

PLANNING STATEMENT

Land north of the A3102, Melksham

Outline planning application

December 2025



PLANNING
LIMITED

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DOCUMENT CONTROL

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1 Introduction

- 1.1 This Planning Statement accompanies and supports an outline planning application for a residential development, submitted by Bloor Homes South West on Land north of the A3102, Melksham. It explains the development proposals in the context of local and national planning policy, as well as other considerations that are material to the determination of this application, and in these terms, justifies the approval of the planning application at this time.
- 1.2 The site is owned by the Applicant on a freehold basis, and therefore there is no landownership constraint, or the need for a marketing exercise, which would delay housing delivery. As a deliverable site, it could play an important role in addressing the short and longer term needs for open market and affordable housing within the area.

THE APPLICATION SITE

- 1.3 The application site is identified at Appendix 1 and measures approximately 14.95 hectares. It is wholly located within the administrative area of Wiltshire Council. It comprises part of New Road Farm and is grazed modified grassland, divided by hedgerows and hedgerow trees into four entire field parcels and three partial field parcels.
- 1.4 The application is submitted alongside a full planning application (ref. PL/2024/10345) that was submitted on the site in November 2024. This gives significant confidence that the site is deliverable as indicated and this application benefits from the detailed assessments undertaken.
- 1.5 It is located approximately 1.8km to the north east of Melksham town centre. The settlement's existing developed limits define the site's western boundary, whilst Sandridge Common (the A3102), is located to the south. Undeveloped land is located to the north, with built development associated with New Road Farm and open countryside being located further to the east.

THE PROPOSED DEVELOPMENT

- 1.6 This planning application seeks outline planning permission for:
- 1.7 ***"....residential development; public open space including formal play space and allotments; sustainable drainage systems and associated infrastructure; a 100 place nursery and access points for pedestrians and cyclists. All matters are reserved except for access, the principal point of access is to be provided from a new northern arm onto an improved arrangement of the Eastern Way/A3102 roundabout junction and an emergency access onto the A3102".***
- 1.8 The site has been subject of in depth discussions with the Local Planning Authority (LPA) and the local community have been previously been consulted.

THE APPLICANT

- 1.9 As indicated above, this planning application is submitted by Bloor Homes South West. Other than highways land, Bloor Homes South West control the application site on a freehold basis, as the sole landowner. They intend to develop the site as the sole developer.
- 1.10 Having been established in 1969, Bloor Homes have grown to become one of the country's largest privately owned national house builders. The company has over 60 years of continuous experience in promoting and developing major housing schemes across the country. Being both a land promoter and a house builder, they are able to make commitments through the planning process and ensure that they are delivered as intended. They have significant experience in delivering successful places in Wiltshire, including at Spa Road, Melksham.

THE DECISION-MAKING FRAMEWORK

- 1.11 As with any planning application, this submission will be determined in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Both provisions require that this planning application be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 1.12 In the case of the application site, the Development Plan currently comprises:
- the Wiltshire Core Strategy (2015);
 - the Wiltshire Site Allocations Development Plan Document (2020);
 - the Melksham Neighbourhood Plan 2 (2025);
 - Saved policies of the West Wiltshire District Plan 1st Alteration (2004) and the Leisure and Recreation Development Plan Document (2009); and
 - the Wiltshire Waste Core Strategy (2009).
- 1.13 In addition, there is an emerging development plan, the Wiltshire Local Plan Review, which has reached Examination in Public stage. Within the emerging plan, the application site is proposed for allocation by Policy 20.
- 1.14 This Planning Statement also considers whether there are any other material planning considerations. It concludes that due to the urgent need to increase the supply of homes over the short and longer-term, as well as the quantum of development that has occurred beyond Melksham's defined settlement limits, the policies most important for considering this application are out of date and the presumption in favour of sustainable development is engaged. The application site is not located in an area where policies in the National Planning Policy Framework (NPPF) provides a clear reason for refusing the application. Moreover, no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the development.

STRUCTURE OF THE PLANNING STATEMENT

- 1.15 This Planning Statement provides an overarching explanation of the proposed development; sets out the framework provided by the relevant tiers of planning policy; assesses the scheme's compatibility with Development Plan policy; and confirms whether there are any considerations that are material to the determination of the application that would suggest that there is a need to determine the application in any other way than in accordance with the Development Plan. In terms of its structure, it comprises:
- **Section 2** - a description of the application site;
 - **Section 3** – a description of the proposed development;
 - **Section 4** – a summary of relevant policy contained within the Development Plan;
 - **Section 5** – a summary of relevant policy contained within the emerging Development Plan;
 - **Section 6** – sets out relevant national planning policy;
 - **Section 7** – identifies any other material planning considerations; and
 - **Section 8** – provides the justification for approval at this time.
- 1.16 The conclusions are set out in Section 9.

ENVIRONMENTAL IMPACT ASSESSMENT

- 1.17 The LPA has determined that the proposed development falls within Schedule 2, 10(b) of the Town and Country Planning (EIA) Regulations 2017 (as amended), but that ordinarily, the impact of the development would not have likely significant effects on the environment by virtue of factors such as its nature, size and location that would warrant an Environmental Impact Assessment. However, they determined that due to the cumulative landscape impact of the proposed development alongside other committed developments on the eastern side of Melksham, an Environmental Impact Assessment (EIA) was required.
- 1.18 An Environmental Statement has therefore been prepared and has been submitted as part of this application. The work describes the potential environmental effects of the development alone and in combination with other developments proposed in the vicinity of the site. The assessment of the potential environmental effects of the proposed development has concluded that in many respects, overall, the scheme will be beneficial.

PLANNING APPLICATION DOCUMENTS

- 1.19 This Planning Statement forms part of a suite of drawings and documents that comprise the complete application submission. Confirmation of the plans and reports that support the application are proposed within a table appended to the covering letter.

2 The application site

SITE CONTEXT AND THE SITE

- 2.20 The site, which is identified at Appendix 1, consists of land located to the east of Melksham, which is itself situated within the western portion of Wiltshire. The settlement is located approximately 9km to the north east of Trowbridge and 9km to the south of Chippenham.
- 2.1 Melksham is identified as being a 'market town' within Wiltshire Council's current Development Plan, which, reflecting its role and function, means that it is a settlement that has the potential for significant development. Given its strategic status, Melksham provides a number of community facilities, including primary and secondary school provision, nurseries, community centres and meeting halls, places of worship, leisure and sports facilities, the new community campus, supermarkets, public houses, post offices, doctor's surgeries, a community hospital, public transport provision, including a train station, and employment provision.

THE SITE

- 2.2 The application site measures approximately 14.95 hectares. It is located approximately 1.8km to the north east of Melksham town centre and is irregular in shape. It is bounded:
- to the west by mature hedgerows and trees. Residential development is located further to the west (the recently completed Sandridge Place development);
 - to the east by mature hedgerows and trees. Buildings and agricultural land associated with New Road Farm are located beyond the hedgerows. Open countryside is located further to the east;
 - to the south by mature hedgerow and boundary enclosures, including a field gate. The A3102 (Sandridge Common) is located beyond the hedgerow. Residential development and open countryside are located further to the south; and
 - to the north by mature hedgerow, with open countryside beyond.
- 2.3 Mature hedgerows and trees divide the site into four entire separate field parcels and three partial field parcels. At present, it is predominantly used for agricultural purposes.
- 2.4 Other than culverts, there are no existing built structures on the site.

TOPOGRAPHY

- 2.5 The site is relatively flat, with a gentle sloping topography. It falls to the watercourse located centrally within the site at approximately 42.5AOD. The east of the site falls from a topographic high of 45AOD and the west from approximately 44AOD.

LANDSCAPE

- 2.6 The site is not located within a national, local or any other landscape designation.

BIODIVERSITY

- 2.7 The site is not subject of any nature conservation designations. There are however, the following international, national and local designated sites of importance for biodiversity within the wider environs:

- **National Site Network** - a component of the Bath and Bradford-upon-Avon Special Area of Conservation (SAC) lies approximately 9km to the north west of the application site. However, the site is not located within any of the 'core areas' associated with the SAC.
- **Nationally designated sites** - no nationally designated sites lie within 2km of the site.
- **Local wildlife sites** - the following non-statutory Local Wildlife Sites (LWS) are located within 2km of the site:
 - Bristol Avon River LWS – c.1.15km to the west;
 - Eighteen Acre Plantation LWS – c.1.3km to the east;
 - Hanging Wood LWS, c. 1.6km to the east;
 - Morass Wood LWS, c. 1.75km to the east; and
 - Conigre Mead WWT Reserve LWS, c. 1.8km to the west.

2.8 The site itself comprises four entire separate field parcels and three partial field parcels of grazed modified grassland, with little to no margins. The fields are divided by a network of hedgerows, most of which are species poor except for one species-rich hedgerow which runs along the northern boundary of the site. Ditches run alongside most hedgerows. As described below, there are few trees present within the site, the majority of which are associated with the western boundary hedgerow and the farm buildings to the east. A small area of bare ground is located in the north eastern area of the application site, adjacent to the eastern boundary. Watercourses also run through the site.

2.9 The site supports a reasonably diverse assemblage of foraging and commuting bats (including low usage by rare light averse Annex II species), as well as badgers, breeding birds and dormouse. A single tree along the eastern boundary has potential to support roosting bats.

2.10 In overall terms, the habitats supported by the site are of low ecological value and offer significant opportunities for ecological enhancement.

Arboriculture

2.11 An industry compliant BS5837:2012 tree survey has been carried out on the site and along its boundaries. It has shown that the site contains the following tree and hedgerow features:

TABLE 1: A SUMMARY OF THE ARBORICULTURAL AND HEDGEROW FEATURES FOUND WITHIN THE SITE

Categorisation	Category A	Category B	Category C	Category U
Tree	-	2	-	-
Tree group	-	3	2	-
Hedgerow	-	-	4	-

2.12 The tree stock is considered to be of a moderate arboricultural value. There are no trees that are subject of a Preservation Order within the site.

FLOOD RISK

2.13 The Environment Agency Flood Map for Planning identifies that the majority of the site is located within Flood Zone 1. Consequently, it is outside the 1 in 1000-year extent of fluvial flooding (0.1% annual exceedance probability) and is therefore at low risk.

- 2.14 There is however an unnamed watercourse that runs broadly south to north centrally within the site. This watercourse is a Main River and a tributary of the River Avon. It conveys flows north from a 600mm culvert along the site's southern boundary. The Flood Risk Assessment describes the watercourse as being uniform in shape, with an approximately 1m bed width, a 3.5 width at the top of the bank, a 1.5m depth and approximately 1:3 slopes. The Environment Agency Flood Map for Planning identifies that this watercourse falls within Flood Zone 2.
- 2.15 A second 'ordinary' watercourse conveys flows to the east through the centre of the site from the balancing pond from the existing residential development to the west. It joins the Main River in the centre of the application site. Two land drains are also located on the site's eastern boundary and convey flows to the north. Several ditches act as informal field boundary ditches within the application site.
- 2.16 Environment Agency mapping identifies that there are areas of surface water flow pathways crossing the site, which broadly accord with the aforementioned watercourses. However, this information is considered to be based on a ground model and does not take the conveyance capacity of the watercourse channel, the culvert, surface water management strategies, including existing land drainage within the site, or the highway drainage into account. It also does not consider the impact of the recently completed development to the west, which includes an attenuation basin, which benefits from a flow control device.
- 2.17 Given the deficiencies with the Environment Agency mapping, the Applicant undertook their own hydraulic modelling exercise. The 'baseline scenario,' which is provided in the Flood Risk Assessment, re-maps the extent of current fluvial flood risk, having regard to the betterment features indicated above and two existing structures within the watercourse. The analysis demonstrates that the Environment Agency's mapping is an overestimate of the existing situation.

CULTURAL HERITAGE

- 2.18 There are no Scheduled Monuments or other designated heritage assets within the application site. The site also is not located within a Conservation Area. No Registered Parks and Gardens or World Heritage Sites are within the site, or the surrounding area (1km).

AGRICULTURAL LAND CLASSIFICATION

- 2.19 As indicated above, the site is previously undeveloped, agricultural land. DEFRA's online database suggests that the application site is Grade 3b agricultural land. Consequently, it is not considered to be best and most versatile agricultural land.

ACCESS AND ACCESSIBILITY

- 2.20 As indicated above, the site's southern boundary is defined by the A3102. A roundabout, which provides a junction between the A3102 and Eastern Way, is located along the site's frontage. An existing footway is located to the south of the A3102, which provides a connection from the east of the A3102/Eastern Way roundabout to the west, towards Melksham Town Centre. A footway on the northern side of the A3102 commences to the south of the Sandridge Place development, which itself is located to the west of the site. It again provides a connection to the west, towards Melksham Town Centre.
- 2.21 The site is considered to be within an acceptable walking distance of a range of services and facilities, including:
- retail facilities, including two convenience stores located approximately 600m and 750m to the west of the site;
 - two public houses, which are located approximately 750m to the west and 975m to the south;

- education facilities, including Forest and Sandridge Church of England Primary School, which is located approximately 800m to the south of the site;
- hot food takeaways; and
- places of worship.

2.22 Additional services and facilities can be found within a modestly longer walking distance (but within an acceptable cycling distance) and include:

- Secondary school provision, which is approximately 3.2km to the south;
- Melksham Town Centre;
- a number of supermarkets; and
- employment opportunities, including within the Town Centre, around Bath Road and at Bowerhill Industrial Estate.

2.23 National Cycle Route (NCR) 403 is located approximately 1.3km to the west of the site, at King George V Park (a 5 minute cycle journey time). From King George V Park, the route runs to the north towards Lacock (a 21 minute cycle journey time) and Chippenham (a 21 minute cycle journey time). It also provides a link to National Cycle Route 4, which is located approximately 3.3km to the south (11 minute cycle journey time). National Cycle Route 4 provides direct, off-road links to Trowbridge (a 37 minute cycle journey time) and Devizes (a 56 minute cycle journey time).

2.24 The area is served by a number of bus services. The closest bus stop on the A3102 is located approximately 500m to the west of the site. It is served by bus service X76 which provides a connection once a day in both directions between Bath and Marlborough during the week. Additional bus services route through the development to the south. The closest bus stop on this route, Skylark Road, is located approximately 330m to the south. This bus stop, which is a request stop, is served by bus services 14 and 15, which provide a circular route into Melksham and back. Further services are provided from the Ingram Road bus stop, which is located on Blackmore Road, which is approximately 750m to the west and is served by bus services 271, 272 and 273. The services provide connections to a range of destinations within Melksham, including supermarkets and employment opportunities (the Town Centre and Bowerhill Industrial Estate), as well as destinations further afield, including Bath and Devizes. Together, they typically provide an hourly service during the week and on Saturdays, with a less frequent service on a Sunday.

2.25 Melksham Railway Station is located approximately 2.5km from the application site. Located on the Great Western Railway Line, the Railway Station provides services to a range of destinations, including Trowbridge, Chippenham, Swindon and Westbury.

PUBLIC RIGHTS OF WAY

2.26 There are no Public Rights of Way (PRoW) that cross the site, but there are a number in close proximity to it. These include:

- **MELK103** – which is located to the south of the south west corner of the site and to the south of the A3102. It runs in a broadly southerly direction and connects the footway on the southern side of the A3102 with PRoW MELK104. Via Snarlton Lane and a series of other footpaths on the PRoW network, it provides onward connectivity to Melksham Town Centre.
- **MELW60** – which is a footpath that runs broadly north east to south west and is located to the north of the site; and
- **MEDK45** – which is located to the west of the western edge of PRoW MELW60 and extends to Sherwood Avenue. It runs broadly north east to south west.

2.27 The submitted Transport Assessment notes that there are multiple bridleways to the east of the site which would provide leisure opportunities for pedestrians and cyclists.

SITE PLANNING HISTORY

Development management history

- 2.28 A review of the Council's online planning system indicates that the only other application of note on the site is planning application (ref: PL/24/10345) which was submitted by the same applicant in November 2024 however, is in full rather than in outline.
- 2.29 It is noted that the only other planning history is in respect of the Environmental Impact Assessment Screening and Scoping work associated with this development.

Development plan history

- 2.30 The site is not presently allocated for development. However, as already noted it is proposed to be allocated by Policy 20 of the emerging Local Plan.

3 The proposed development

3.1 This Section describes in detail the revised proposed development and its components.

OVERVIEW

3.2 This outline planning application proposes:

“...residential development; public open space including formal play space and allotments; sustainable drainage systems and associated infrastructure; a 100 place nursery and access points for pedestrians and cyclists. All matters are reserved except for access, the principal point of access is to be provided from a new northern arm onto an improved arrangement of the Eastern Way/A3102 roundabout junction and an emergency access onto the A3102.”

3.3 The proposed development:

- a) includes a variety of energy efficient housing types and tenures;
- b) proposes a 100 place nursery;
- c) proposes a landscape structure that enhances existing assets, provides extensive green infrastructure within the development, including food growing opportunities, formal play provision and a sustainable drainage system;
- d) provides an appropriate net gain for biodiversity;
- e) allows for pedestrian, cycle and public transport networks to be integrated within the scheme, in a manner that provides easy access to the services, facilities and employment opportunities that will come forward as part of the development (the nursery and public open space provision) and exist within the wider environs; and
- f) provides for necessary supporting infrastructure.

3.4 As described within the accompanying revised Design and Access Statement, by applying a robust response to the site's existing landscape structure and a masterplanning approach that combines modern development in a manner that responds to the local vernacular, the proposed development will have a strong local identity and will effectively integrate with the existing community, for whom there will be benefits.

3.5 These are factors that are wholly consistent with the strategic objectives of the existing and the emerging Development Plan and the NPPF.

3.6 The accompanying revised Design and Access Statement provides a more detailed explanation of the proposed development.

LAND USE COMPONENTS

3.7 This planning application seeks planning permission for the following principal components:

- a) primarily residential development as shown on the illustrative master plan;
- b) a 100 place nursery;
- c) a primary access from a new northern arm onto an improved arrangement of the Eastern Way/A3102 roundabout junction;
- d) an emergency access from the A3102 in the south western corner of the site which will include a pedestrian and cycle connection to the A3102;
- e) three pedestrian and cycling crossing points along the A3102;

- f) a pedestrian, cycle and vehicular connection to the northern boundary of the site;
- g) a street hierarchy, with a primary movement route that passes centrally through the development, from the proposed primary access;
- h) a multi-functional network of green and blue infrastructure of varying typologies, including recreation, food growing areas and attenuation. Together, these will result in an appropriate biodiversity net gain;
- i) play space, including two Locally Equipped Areas of Play (LEAPs) and two Local Areas of Play (LAPs); and
- j) the inclusion of green corridors, including along the existing watercourse that runs from the A3102 to the north, and through, where feasible, the retention of hedgerows and hedgerow trees.

3.8 The land use budget for the scheme is:

TABLE 1: LAND USE BUDGET

LAND USE	AREA (HA)
Built area including residential, incidental landscaping and associated infrastructure	9.01
Green infrastructure including public open space, allotments, SuDs, play areas, existing vegetation to be retained and PrOW	4.65
Sustainable drainage systems	0.72
Existing highways	0.89
Nursery land	0.4

3.9 A summary of each of the main components of the proposed development is provided within the following paragraphs.

HOUSING

3.10 As the principal land use, residential development extends across the application site. The application is based on the illustrative master plan which shows how the site could accommodate the construction of 295 dwellings, which is one option for the site and it consists of maisonettes, bungalows, terraced, semi-detached and detached properties.

Housing mix

3.11 The illustrative layout is based on the following illustrative mix, which again is one option as to how this can proceed but is used as the basis for the assessment of the site.

TABLE 2: HOUSING MIX

DWELLING SIZES	TOTAL	PERCENTAGE (%)
1 bed	49	16.6
2 bed	57	19.3
3 bed	98	33.2
4 bed	91	30.8

- 3.12 The proposed housing mix ensures that the scheme will provide a full range of housing types, which will help to meet the identified housing need and demand within the area.

Affordable housing

- 3.13 As set out within the accompanying Affordable Housing Statement, the application proposes that 40% of the proposed residential development delivered as a result of the application will be affordable housing (please note there may be slight deviation from the policy position due to rounding of numbers).
- 64% affordable rent homes;
 - 13% shared ownership homes; and
 - 23% first homes.
- 3.14 It is proposed that a Section 106 Legal agreement will secure the affordable housing proposals. And the detailed mix and layout should be subject to a planning condition.

Custom housing

- 3.15 The application proposes that 5% of the proposed dwellings will be made available as custom housing. The location of the custom build plots is proposed to be subject to a planning condition.

Nationally derived space standards

- 3.16 All the homes proposed within the application have been designed to meet the minimum space standards as outlined in the Nationally Derived Space Standards (NDSS).

Accessible and adaptable housing

- 3.17 It is anticipated that 84% of dwellings will be designed to meet Building Regulations M4(2) standards, with a further 7% of units meeting M4(3) standards.

ACCESS

Principal point of access

- 3.18 The primary access from a new northern arm onto the Eastern Way/A3102 roundabout junction. This will comprise a 'compact' style roundabout. The benefits of this approach are that it would:
- alleviate the reverse curvature of the existing roundabout approach;
 - help to reduce road speed;
 - aid pedestrian/cycle crossings, due to the reduced width of the carriageway; and
 - further reflect the more urbanised nature of the area, once the development has been completed.
- 3.19 The design complies with DMRB CD116 guidance. Specifically, the ICD of the roundabout is 36m, are a consistent 4m width, with 1m a hatch alongside, enabling a circulatory carriageway of 6m, with all exit arms being 4.5m wide. Swept path analysis has been undertaken which demonstrates that the largest vehicles can navigate it.
- 3.20 The application also proposes a 3m wide footway/cycleway on the western arm of the A3102/Eastern Way junction. This footway/cycleway will provide a connection from the proposed development to

the existing pedestrian/cycle infrastructure to the south of the A3102. This shared footway/cycleway has been designed to meet the standards outlined in LTN1/20.

Emergency access

- 3.21 An emergency vehicular access onto the A3102 is proposed approximately 200m west of the existing A3102/Eastern Way roundabout, in the south western portion of the site. The emergency access will be 3.7m wide, with a bollard in place to limit access by vehicles.
- 3.22 The emergency access will also provide a pedestrian and cycle connection to and from the A3102. A signalised pedestrian crossing point is proposed to the south west of the emergency access, which will connect the application site with existing footway provision on the southern side of the A3102.

Internal streets

- 3.23 The proposed development includes a hierarchy of streets and connections which is to be set out in detail at the Reserved Matters stage, as follows:
- a primary street – which will connect to the proposed new fourth arm of the A3102/Eastern Way roundabout and will run to the site's northern boundary.
 - secondary streets;
 - community streets;
 - shared surfaces/private drives; and
 - a number of other footways / cycle ways are proposed within the development along with a number of connections

CAR AND BICYCLE PARKING, EMERGENCY VEHICLES, REFUSE AND RECYCLING

- 3.24 Car parking provision will be provided in accordance with the Council's parking standards and is anticipated to be subject to detailed design. Different parking typologies are likely to be proposed across the scheme, including frontage parking, rear parking, tandem parking to the side of the dwelling and on-street parking. The scheme also includes garages.
- 3.25 It is noted that based on the illustrative plan, the scheme would provide 644 allocated spaces for residents, which includes garages. Additionally, a further 57 car parking spaces are provided for visitors.
- 3.26 In addition, the applicant is committed to providing 100% coverage of electric vehicle charging points within the development.
- 3.27 Cycle parking will be provided for each home, either in garages or within the curtilage of each property, in a cycle shed.
- 3.28 It is anticipated that the detailed design stage would ensure that the Council's requirements in respect of emergency vehicles and refuse will be achieved.

LANDSCAPING AND PUBLIC OPEN SPACE

Landscape strategy

- 3.29 The green infrastructure strategy aims to create an attractive landscape framework that surrounds and permeates through the proposed development, which incorporates key characteristics and

guidance contained within the published landscape character assessment, as well as the aspirations of the emerging policy framework for the site. The landscape framework will comprise a series of open spaces that differ in character and function to create a natural transition, responding to the edge of settlement location.

- 3.30 An in-depth analysis of the site and its immediate context has identified a network of existing vegetative habitats that are connected to linear habitats in the wider landscape. The design principles place value on the retention of existing vegetation wherever possible and aims to create new complimentary habitats that enhance the local character, as well as maximise the benefits afforded to wildlife. Measures embedded within the overall landscape design that act as landscape mitigation include:
- the retention and enhancement of established mature planting along the site's boundaries, to create a sense of enclosure and soften visual effects;
 - no vehicular access being taken from the sites eastern boundary, to protect the character and rhythm of the existing landscape fabric in this location and the transition to open countryside;
 - existing vegetation to be retained and enhanced as part of the landscape proposals, which forms green corridors across the centre of the site and around its peripheries;
 - the retention and enhancement of the existing watercourse, which is afforded an appropriate buffer, for ecological and recreational benefit; and
 - new tree planting will be used to complement the existing, particularly in the northern and eastern areas of the site.
- 3.31 Additionally, a number of landscape enhancement measures are proposed, which include:
- the sustainable drainage system (SuDS), which, as described below, comprises a network of swales and basins. The system aims to achieve a sustainable solution that balances water quality, biodiversity, flood resilience and recreation opportunities;
 - separating the proposed development from existing development to the west by retained vegetation;
 - the inclusion of play provision and public open space, which will be used by the new residents of the development and the wider community. The play provision has been located centrally within the development. This ensures that they are safe and easy to access for all age groups, as well as benefitting from natural surveillance. Alongside the formal equipped play, incidental play will be introduced around the scheme to offer 'play-on-the-way' opportunities;
 - the provision of recreational routes throughout the proposal, which will increase permeability and access to green and blue infrastructure;
 - productive landscapes in the form of allotments and community grow space are proposed, which will benefit the new residents of the development and the wider community; and
 - green corridors will be created for ecological and community benefit, as well as to soften the effect of the built form and to provide additional dormouse habitat mitigation.
- 3.32 Tree planting will be provided throughout the development, both within areas of public open space and streets. Alongside proposed ornamental planting, the landscape proposals will help to differentiate the character areas of the various area types and street hierarchy.

Public open space

- 3.33 The proposed development includes a range of differing public open space typologies, that are intended to serve the future residents of the development. The green infrastructure comprises 4.65ha and is made up of:
- allotments (0.17ha);

- amenity green space (2.20ha);
- parks and recreation grounds 0.78ha);
- play space (0.17ha);
- natural green space (1.27ha); and
- restricted green space (0.06ha)

FLOOD RISK, SURFACE WATER DRAINAGE AND FOUL WATER INFRASTRUCTURE

Existing surface water flood risk

3.34 A Flood Risk Assessment has been undertaken by Enzygo. Summarily it is noted that through a series of design measures, the risk of flooding is assessed as follows:

- The risk of fluvial flooding is assessed as negligible for most of the development but low to high in places; in the southeast of the Site and through the centre of the Site. There is a residual risk of flood flooding from the onsite watercourses; Watercourse 1 and Watercourse 2.
- The risk of surface water flooding is assessed as negligible for most of the development but low to high in places, in the southeast of the Site and through the centre of the Site.
- The risk of flooding from sewers is assessed as negligible for most of the development but low along the reach of the two water mains.
- The risk of flooding from highway drainage is assessed as negligible for most of the development but low along the reach of the diversion swale.
- The risk of flooding from all other sources is assessed as negligible.

Surface water drainage strategy

3.35 To mitigate the risk of surface water flooding within and from the development, a surface water drainage/SuDs strategy has been developed. This strategy involves attenuating surface water run-off at source, via a combination of swales, a surfaced water piped network and attenuation ponds, prior to discharge into the Main River.

3.36 The post-development surface water drainage strategy will restrict peak flows for all events from the impermeable areas to the greenfield run-off rate (QBAR), thereby ensuring that the risk of surface water flooding does not increase both on the site and within the surrounding area, with the potential for a betterment to be achieved.

3.37 The surface water drainage system has been suitably sized to accommodate the 1 in 100-year storm event, plus an allowance for climate change (45%).

Foul water strategy

3.38 Foul water from the proposed development is to drain via gravity towards a pumping station, which is located in the northern area of the proposed development. Flows will then discharge into a proposed manhole within the site from which it will discharge via gravity to an existing Wessex Water Foul Sewer, located within the A3102.

Fluvial flood mitigation

3.39 The main River that flows through the site is located in Flood Zone 2. Other than essential infrastructure and green infrastructure, no development, including residential development, is proposed to be located within the mapped extent of fluvial flooding and appropriate easements proposed (minimum 8m easement free from development along either side of the main river and a 4m easement along the ordinary watercourse). Where crossings are proposed, they will be open

span and have been designed to convey the 1 in 100 year plus a climate change event, with a freeboard allowance. Additional easements are also provided for each of the proposed swales. The finished floor levels of the proposed homes have also been set to be 150mm above external levels.

ENERGY AND LOW CARBON

3.40 The development will incorporate a range of measures to reduce its energy requirements in the first instance, before seeking to meet a significant proportion of the energy demand from renewable and low energy sources. This will be achieved through:

- utilising passive design measures;
- enhancing the thermal performance of the proposed homes to a level above that required by current Building Regulations;
- incorporating energy efficient and sustainable mechanical and electrical systems, including air source heat pumps; and
- employing renewable energy systems, in the form of photovoltaic panels.

4 The Development Plan

- 4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, all applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

RELEVANT PRINCIPLES

- 4.2 As has been well established in case law, it is not necessary for an application for planning permission to be in compliance with every policy or policy test within the Development Plan, in order to reach a conclusion that the proposal accords with the Development Plan.
- 4.3 This principle has been confirmed as recently as April 2020 by the Court of Appeal when handing down a judgment in *Cornwall Council v Corbett* [2020] EXCA Civ 508. The Court of Appeal confirmed that in a case where the Development Plan is pulled in different directions, the weight to attach to the respective policies and therefore the resolution as to where the proposal is in accordance with the Plan as a whole, is a matter of judgement for the decision maker.
- 4.4 This judgment supports previous judgments which have confirmed this important principle. For example, in reaching his judgment for *City of Edinburgh V Secretary of State for Scotland* [1997] 1 W.L.R. 1447, Lord Clyde held that:

“There may be some points in the plan which support the proposal but there may be some considerations pointing in the opposite direction. He will require to assess all of these and then decide whether in light of the whole plan the proposal does or does not accord with it.”

- 4.5 Consistent with this, in *Tesco Stores Limited V Dundee Council* [2012] P.T.S.R. 98, Lord Reed held that:

“Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another.”

- 4.6 Lord Hope, again in *Tesco Stores Limited V Dundee City Council* [2012] P.T.S.R. 98, also concluded that it was ‘untenable’ to conclude that:

“...if there was a breach of any one policy in a development plan a proposed development could not be said to be in accordance with the plan.”

- 4.7 Further to this, Lord Hope also held that, in the context of considering whether a proposal is in accordance with the Development Plan as a whole:

“...the relative importance of a given policy to the overall objectives of the development plan was essentially a matter for the judgment of the local planning authority [or, on appeal, for the Secretary of State] and that a legalistic approach to the interpretation of development plan policies was to be avoided.”

THE DEVELOPMENT PLAN

- 4.8 Relevant to the site, the Development Plan comprises the following documentation:

- the Wiltshire Core Strategy (adopted 2015);

- the Wiltshire Site Allocations Plan (adopted 2020);
- the Melksham Neighbourhood Plan (Made 2025);
- Saved policies of the West Wiltshire District Plan (2004) and the Leisure and Recreation Development Plan Document (2009); and
- the Wiltshire Waste Core Strategy (2009).

4.9 A summary of the key policies relevant to this planning application are provided below.

Wiltshire Core Strategy

4.10 The Wiltshire Core Strategy was formally adopted on 20th January 2015. It covers the whole of Wiltshire (excluding Swindon) and sets out the area's spatial vision, key objectives, and overall development principles. The purpose of this development plan document is to provide a positive and flexible overarching planning policy framework for Wiltshire for the period up to 2026.

Policies map

4.11 The Council's interactive policies map confirms that the site is situated outside the settlement framework boundary for Melksham and is therefore located within the open countryside.

Vision

4.12 Section 3 of the Core Strategy establishes a spatial vision for Wiltshire in the period up to 2026. The spatial vision is:

“By 2026 Wiltshire will have stronger, more resilient communities based on a sustainable pattern of development, focused principally on Trowbridge, Chippenham and Salisbury. Market towns and service centres will have become more self-contained and supported by the necessary infrastructure, with a consequent reduction in the need to travel. In all settlements there will be an improvement in accessibility to local services, a greater feeling of security and the enhancement of a sense of community and place. This pattern of development, with a more sustainable approach towards transport and the generation and use of power and heat, will have contributed towards tackling climate change.

Employment, housing and other development will have been provided in sustainable locations in response to local needs as well as the changing climate and incorporating exceptional standards of design. Wiltshire's important natural, built and historic environment will have been safeguarded and, where necessary, extended and enhanced to provide appropriate green infrastructure, while advantage will have been taken of Wiltshire's heritage to promote cultural and lifestyle improvements as well as tourism for economic benefit.

Partnership working with communities will have helped plan effectively for local areas and allow communities to receive the benefit of managed growth, where appropriate.”

Strategic objectives

4.13 The Core Strategy also contains a series of strategic objectives. Para. 3.2 of the Core Strategy confirms that their purpose is to deliver the spatial vision. The objectives are:

- **Strategic objective 1** – delivering a thriving economy;
 - **Strategic objective 2** – addressing climate change;
 - **Strategic objective 3** – providing everyone with a decent, affordable home;
 - **Strategic objective 4** – building resilient communities;
 - **Strategic objective 5** – protecting and enhancing the natural, historic and built environment;
- and

- **Strategic objective 6** – ensuring that adequate infrastructure is in place to support communities.

Spatial strategy

4.14 **Core Policy 1 (Settlement Strategy)** identifies the settlements where development will sustainably take place in Wiltshire. It establishes a settlement hierarchy for development that includes Principal Settlements, Market Towns, Local Service Centres, and Large and Small Villages.

4.15 The Policy confirms that Melksham is one of 12 second tier Market Towns (second of four tiers). Market Towns are defined as:

“...settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services, and employment opportunities.”

4.16 Additionally, they:

“...have 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.”

4.17 **Core Policy 2 (Delivery Strategy)** confirms that over the plan period at least 42,000 homes will be provided. In the North and West Wiltshire Housing Market Area (HMA), within which the application site is located, there is a minimum housing requirement of 24,740 dwellings. The HMA is to accommodate the highest level of residential development of the four HMAs identified within the Policy. Approximately 35% of development is to take place on previously developed land, meaning that the majority would occur on previously undeveloped land.

4.18 The Policy also states that the housing requirement will be met in sustainable locations in conformity with the distribution set out for the HMAs. It also confirms that a more detailed distribution is set out within the Community Strategy Areas section of the Core Strategy. Development proposals should be in general conformity with the Community Strategies. Sites for development that conform with the Area Strategies will be identified through subsequent Site Allocations Development Plan Documents and through neighbourhood plans.

4.19 Moreover, other than the circumstances allowed for by para. 4.25 of the Core Strategy, development will not be permitted outside the limits of development for each settlement, as identified on the Policies Map. Residential development of the manner proposed is not listed as an exception in para. 4.25 of the Core Strategy. The Policy confirms that the limits of development can only be altered through the identification of sites for development within a subsequent Site Allocations Development Plan Document or a neighbourhood plan.

4.20 Table 1, which forms part of the Policy's supporting text, confirms an indicative housing requirement for Melksham of 2,240 homes over the plan period, with a further indicative requirement of 130 homes for the 'Melksham remainder' area.

4.21 Importantly, the Core Strategy confirms at para. 4.30 that:

“The disaggregation to Community Areas set out above is not intended to be so prescriptive as to be inflexible and potentially ineffective in delivering the identified level of housing for each market area. It clarifies the council's intentions in the knowledge of likely constraints in terms of market realism, infrastructure and environmental capacity. They provide a strategic context for the preparation of the Housing Sites Allocation DPD and in order to plan for appropriate infrastructure provision.”

4.22 Moreover, para. 4.33 confirms that:

“The indicative figures also allow a flexible approach which will allow the council, including through the preparation of the Sites Allocation DPD and local communities preparing

neighbourhood plans, to respond positively to opportunities without being inhibited by an overly prescriptive, rigid approach which might otherwise prevent sustainable development proposals that can contribute to maintaining a deliverable five year housing land supply and delivering the strategic objectives of the plan”.

Melksham Community Area

- 4.23 The Melksham Area Strategy confirms that the settlement is one of the largest towns within the County, benefitting from strong road connectivity to other large centres. There is recognition that the regionally significant A350 passes through the settlement and that it is located on the A350 employment growth corridor. The Plan acknowledges that Melksham has a broad employment base and is capable of further employment growth.
- 4.24 A number of issues and considerations relating to the settlement are identified, including: the need for residential growth to help to address the shortfall in affordable housing and contribute to delivering improved infrastructure; how new development should contribute towards town centre regeneration, including traffic management improvements; the need to improve the town centre; there being some potential for the expansion of comparison retailing, which should be focused in more central areas; how further employment growth could help to diversify the employment base, and the need to regenerate and improve existing employment sites; for new development to have strong walking and cycling links to the town centre; the need for additional primary and secondary school capacity; for developer contributions from housing developments to help deliver new infrastructure within the town, including GP surgeries; how the restoration of the Wilts and Berks Canal could provide an opportunity for tourism; the need for development to address the need for water supply and sewerage infrastructure; opportunities to enhance the riverside area; the need to improve public transport provision; how the separate identities of communities surrounding Melksham should be respected; and how the historic environment should be protected, particularly the historic setting of the Spa.
- 4.25 Para. 5.82 of the Core Strategy identifies that the strategy for Melksham is ***“to ensure an appropriate and balanced mix of housing and employment growth is managed to provide contributions to town centre improvement and delivery of enhanced services in the town.”***
- 4.26 **Core Policy 15 (Spatial Strategy: Melksham Community Area)** sets out the spatial strategy for the Melksham Community Area (MCA). It outlines that development in the MCA should be in accordance with the settlement strategy set out in Core Policy 1. It reconfirms Melksham (and Bowerhill village) as a Market Town and reiterates the indicative housing requirement provided at Table 1 of the Strategy; approximately 2,370 new homes will be provided in the MCA, of which about 2,240 dwellings will be provided at Melksham. No specific housing allocations are made but there is recognition that growth over the plan period may consist of a range of sites, in accordance with Core Policies 1 and 2. Development proposals in the MCA are also required to demonstrate how the relevant issues and considerations listed at para. 5.83 of the Core Strategy will be addressed (listed above).

Infrastructure

- 4.27 **Core Policy 3 (Infrastructure requirements)** states that all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from it. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. Regard is to be had to the Council's Infrastructure Delivery Plan and schedule when determining the timely delivery of infrastructure.

Housing

- 4.28 **Core Policy 45 (Meeting Wiltshire's housing needs)** concerns the type, mix and size of housing provision. It sets out that 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.

- 4.29 Housing size and type, including any distinction between flats and houses, will be expected to reflect that of the demonstrable need for the community within which a site is located. The Wiltshire Strategic Housing Market Assessment (SHMA) identifies the housing needs of Wiltshire. Any variation to this will need to be justified through the production of new, sound evidence from either an updated Strategic Housing Market Assessment or another credible evidence source.

Affordable housing

- 4.30 **Core Policy 43 (Providing affordable homes)** and its supporting text, establishes that on sites of five or more dwellings in Melksham, affordable housing provision of at least 30% (net) will be sought. This provision should be delivered without public subsidy, unless otherwise agreed by the Council. Tenure will be negotiated on a site-by-site basis. All affordable housing will be subject to an appropriate legal agreement with the Council.
- 4.31 The Policy also requires affordable housing provision to be dispersed throughout a development and to be designed to be of a high quality, so as to be indistinguishable from other development. In determining the level of integration that can be achieved, consideration will be given to the practicalities of management and maintenance associated with the proposal, whilst still ensuring affordability, particularly in developments of flats.

Housing for the elderly and vulnerable

- 4.32 **Core Policy 46 (Meeting the needs of Wiltshire's vulnerable and older people)** states that the provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required. Such provision should promote independent living.
- 4.33 Specifically, residential development must ensure that layout, form and orientation consider adaptability to change as an integral part of the design at the outset, in a way that integrates all households into the community.
- 4.34 Developers will be required to demonstrate how their proposals respond to the needs of an ageing population.

Sustainability

- 4.35 **Core Policy 41 (Sustainable construction and low carbon energy)** establishes that new development will be encouraged to incorporate design measures to reduce energy demand. Development will be well insulated and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer.
- 4.36 In regard to sustainable construction, new homes will be required to achieve at least Level 4 (in full) of the Code for Sustainable Homes.
- 4.37 All proposals for major development will be required to submit a Sustainable Energy Strategy alongside the planning application setting out the low-carbon strategy for the proposal.

The natural environment

- 4.38 **Core Policy 50 (Biodiversity and geodiversity)** concerns the protection and enhancement of biodiversity and geodiversity.
- 4.39 The Policy requires applicants to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features should be retained, buffered and managed favourably. Where it is demonstrated that such features cannot be retained, removal or damage will only be permitted where the ecological impacts have been mitigated as far as possible, with compensation ensuring no net loss. All proposals shall incorporate measures to avoid and reduce disturbance of sensitive wildlife species and habitats through the lifetime of the development.

- 4.40 All developments should also seek opportunities to enhance biodiversity. Major developments must include measures to deliver biodiversity gains. Such enhancement measures should contribute to the objectives and targets of the Biodiversity Action Plan or River Basin/Catchment Management Plan.
- 4.41 The Policy also states that sustainable development will avoid impacts upon local sites through sensitive site location and layout, and by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will generally be unacceptable, other than in exceptional circumstances.
- 4.42 **Core Policy 51 (Landscape)** requires development proposals to protect, conserve, and where possible enhance landscape character. Development must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and be sympathetic to relevant information provided within Landscape Character Assessments and other relevant studies. In particular, proposals will need to demonstrate the following aspects of landscape character have been conserved and where possible enhanced:
- the locally distinctive patterns and species composition of natural features, such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies;
 - the locally distinctive character of settlements and their landscape settings;
 - the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe;
 - visually sensitive skylines, soils and other features;
 - landscape features of cultural, historic and heritage value;
 - important views and visual amenity;
 - tranquillity and the need to protect intrusion from light pollution, noise and motion;
 - landscape functions; and
 - the special qualities of designated landscapes.
- 4.43 **Core Policy 52 (Green infrastructure)** states that development should retain and enhance Wiltshire's green infrastructure network. Suitable links to the existing network should also be provided and maintained. Applicants will be required to:
- retain and enhance on-site green infrastructure;
 - make provision for accessible open space in accordance with the requirements of the adopted open space standards;
 - put measures in place to ensure the long-term management of green infrastructure;
 - provide contributions towards the delivery of the Wiltshire Green Infrastructure Strategy; and
 - identify and provide opportunities to enhance and improve linkages between the County's natural and historic landscapes.
- 4.44 If damage or loss to green infrastructure is unavoidable, new or replacement green infrastructure equal to or above its current value/quality will be required.
- 4.45 Proposals for major development should be accompanied by an audit of existing green infrastructure within and around the site, with a statement demonstrating how it will be retained and enhanced.
- 4.46 Development will not adversely affect the integrity and value of the green infrastructure network, prejudice the Wiltshire Green Infrastructure Strategy, or provide inadequate green infrastructure.

Contributions to green infrastructure projects and initiatives will be required where appropriate from developers.

- 4.47 **Core Policy 55 (Air quality)** states that development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures should demonstrate how they will make a positive contribution to the aims of the Air Quality Strategy for Wiltshire and where relevant, the Wiltshire Air Quality Action Plan.

The historic environment

- 4.48 **Core Policy 58 (Ensuring the conservation of the historic environment)** states that development should protect, conserve, and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate, enhanced in a manner commensurate to their significance. Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity, will be conserved and where possible, enhanced.

Design

- 4.49 **Core Policy 57 (Ensuring high quality design and place shaping)** requires all new developments to deliver a high standard of design. All development is expected to create a strong sense of place by drawing on the local context and being complementary to the locality. Applications need to be supported by information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through:
- enhancing local distinctiveness, by responding to the natural and historic environment and relating positively to its landscape setting and the existing pattern of development;
 - the retention and enhancement of important landscaping and natural features;
 - responding positively to the existing townscape and landscape features in terms of building layouts, form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines;
 - being sympathetic to and conserving historic buildings and landscapes;
 - maximising opportunities for sustainable construction techniques, use of renewable energy and ensuring buildings and spaces are orientated to gain maximum benefit from sunlight and passive solar energy;
 - making efficient use of land, whilst considering local character;
 - having regard to the compatibility of adjoining buildings and uses, including in relation to privacy, overshadowing, vibration and pollution (e.g. light, noise, smoke, fumes, effluent, waste or litter);
 - incorporating measures to reduce actual or perceived opportunities for crime and antisocial behaviour, through the creation of visually attractive and active frontages;
 - ensuring that the public realm, including new roads and other rights of way, are legible, safe and accessible;
 - taking account of the needs of potential occupants and considering how buildings and space will be used in the short and longer term;
 - the use of high standards of building materials, finishes and landscaping, including street furniture and the integration of public art;
 - for major developments, a detailed design statement and masterplan is required, which is based on an analysis of the local context and an assessment of the site's constraints and opportunities. It should be informed by a development concept and clearly stated design principles; and

- meeting the requirements of Core Policy 61 (see below).

Access and transport

- 4.50 **Core Policy 60 (Sustainable transport)** states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods. This will be achieved in a number of ways, including:
- planning developments in sustainable locations;
 - promoting sustainable transport alternatives to the private vehicle;
 - maintaining and selectively improving the local transport network, in accordance with its functional importance and in partnership with other transport planning bodies;
 - promoting appropriate demand management measures;
 - influencing the routing of freight within and through the County; and
 - assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.
- 4.51 **Core Policy 61 (Transport and new development)** states that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. It states that a transport assessment should be provided as part of any planning application, which must demonstrate that consideration has been given to the needs of all transport users, in accordance with the transport hierarchy. Where appropriate, contributions will be sought towards sustainable transport improvements and travel plans will be required.
- 4.52 **Core Policy 62 (Development impacts on the transport network)** states that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network.
- 4.53 **Core Policy 64 (Demand management)** identifies a suite of demand management measures to reduce reliance on the car and encourage the use of sustainable transport alternatives. These relate to car parking management, traffic management measures, charging measures, and smarter choice measures. The Policy notes that, in relation to residential parking standards, the provision of car parking associated with well-designed new residential development will be based on minimum parking standards. In determining the appropriate mix and parking types, the presumption will be that unallocated communal parking will be included in the majority of new residential development. Reduced residential parking requirements will be considered where there are significant urban design or heritage issues, where parking demand is likely to be low or where any parking overspill can be controlled.
- 4.54 **Core Policy 66 (Strategic transport network)** seeks to develop and improve the strategic transport network to support the objectives and policies in the Core Strategy and the Local Transport Plan. In particular, the strategic transport network along the A350 corridor will be maintained, managed and selectively improved to support development growth at a number of key locations, including Melksham.
- 4.55 In addition, the Policy also confirms that the development/improvement of Melksham railway station will occur.

Flood risk and drainage

- 4.56 **Core Policy 67 (Flood risk)** states that all development proposed in Flood Zones 2 and 3 as identified within the Strategic Flood Risk Assessment will need to refer to the Strategic Housing Land Availability Assessment when providing evidence to the LPA in order to apply the sequential test in line with the requirements of national policy and established best practice. All new

development will also need to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental conditions make these measures unsuitable.

- 4.57 **Core Policy 68 (Water resources)** states that development must not prejudice the delivery of the actions and targets of the relevant River Basin or Catchment Management Plan and should contribute towards their delivery where possible.

The Wiltshire Housing Site Allocations Plan

- 4.58 The Wiltshire Housing Site Allocations Plan was adopted by Wiltshire Council in February 2020. As set out in para. 1.1 of the Plan, its purposes were to: (1) revise, where necessary, settlement boundaries at, *inter alia*, the market towns; and (2) allocate new sites for housing in order to ensure a rolling five year supply for each of the HMAs.
- 4.59 Table 4.5 confirms that no allocations, including the subject site, were made at Melksham. The settlement boundary review for Melksham did not alter the status of the site; it remains located outside the settlement boundary.

Melksham Neighbourhood Plan 2

- 4.60 The second Neighbourhood Plan was made in Summer 2025, a summary of relevant planning policy is provided below.

Sustainable development and climate change

- 4.61 **Policy 1 (Sustainable design and construction)** confirms that, as appropriate to their scale, nature and location, development proposals should demonstrate how they have mitigated and been designed to adapt to the impacts of climate change. This includes:
- the submission of a sustainable energy strategy which demonstrates how carbon emissions are minimised, with the target of zero carbon in operation;
 - embedding the energy hierarchy within the design of buildings in order to minimise energy demand for heating, lighting and cooling, as well as maximising renewable energy generation. Proposals should consider a range of low-carbon and renewable technologies.
 - demonstrating good connections to existing services and facilities, and/or providing a mix of uses that minimises the need to travel by private vehicle; and
 - using carbon sequestration and other sustainable approaches, such as shade.
- 4.62 **Policy 3 (Flood risk and natural flood management)** confirms that natural flood management works that conserve and enhance the ecological flood storage value of the water environment will be supported. Where proposals are in areas of flood risk, they should include appropriate mitigation measures, including, where appropriate, contributions to wider catchment projects. As appropriate to their scale, nature and location, development proposals should demonstrate how flood risk is mitigated. This approach should include measures to reduce the amount of rainwater run-off and incorporate SuDS.
- 4.63 **Policy 5 (Community engagement)** states that development proposals should be prepared with early, proactive, proportionate and effective engagement. Developers are encouraged to follow the approach set out in the Melksham Community Engagement Protocol and the Wiltshire Statement of Community Involvement.
- 4.64 **Policy 6 (Housing in defined settlements)** confirms that proposals for sustainable housing development within the settlement boundaries of the neighbourhood plan area will be supported.
- 4.65 Housing outside the settlement boundaries will be managed in accordance with the adopted Development Plan and should meet evidenced local need.

- 4.66 New housing proposals should demonstrate how their housing types and tenures respond positively to meeting local needs, informed by the Melksham Neighbourhood Plan Area Housing Needs Assessment (2023), the Wiltshire Local Housing Needs Assessment, or any updates to these assessments. As appropriate to their scale, nature and location, development proposals should respond positively to the following matters:
- deliver rented and owner-occupied homes, in a tenure-blind mix, design and layout;
 - increase the supply of affordable homes, in line with adopted Development Plan policy;
 - address local issues of affordability and demand for affordable homes for first time buyers and local households on below average incomes, including providing First Homes through developer contributions at up to a 40% discount of the open market value, where it is commercially viable to do so;
 - at Melksham, prioritising a balanced mix of two, three and four bedroom homes, which should include bungalows; and
 - meeting the needs of an increasing local population of older residents. Housing that meets Category M4(2) standards of the Building Regulations will be supported.
- 4.67 **Policy 8 (Infrastructure phasing and priorities)** requires development proposals for housing development to consider, assess and address the necessary infrastructure requirements and, for matters where it is in the applicant's control, co-ordinate the delivery of infrastructure in a timely fashion, in co-ordination with housing.
- 4.68 **Policy 11 (Sustainable and active travel)** requires that, as appropriate to their scale, nature and location, for development proposals to complement the sustainable transport hierarchy, including the provision for ultra-low emission vehicles. Major development proposals should demonstrate through a Travel Plan how sustainable travel modes have been maximised and safe and suitable movement can be achieved.
- 4.69 In addition, proposals that achieve further improvements between the accessibility and quality of the links between the wider town and Melksham Railway Station will be supported.
- 4.70 **Policy 12** concerns **green and blue infrastructure**. The Policy confirms that proposals that result in the creation of new green and blue infrastructure, and/or contribute to the protection, management, enhancement and connectivity of existing green and blue infrastructure, will be supported. As appropriate to their scale, nature and location, proposals for major development must:
- identify existing green and blue infrastructure within and around the development site; and
 - demonstrate how green and blue infrastructure has been incorporated into the proposal; and
- 4.71 assess and address how the proposal will benefit the function and connectivity of green and blue infrastructure within the site and beyond.
- 4.72 **Policy 13 (Biodiversity)** states that development proposals should deliver at least a 10% improvement in biodiversity value within, and where appropriate, beyond the site, to deliver tangible benefits for biodiversity, including specific attention for protected species. Proposals which deliver a higher net gain to biodiversity will be particularly supported. Where appropriate, development proposals should demonstrate sensitive responses to statutory and non-statutory nature conservation sites.
- 4.73 No changes are proposed to the wording of **Policy 15 (Community facilities)**.
- 4.74 **Policy 16 (Designation of local green spaces)** is a new policy committed to identifying areas of green space that are considered to meet the criteria for Local Green Space Designation. The

accompanying proposed Local Green Spaces plan does not indicate any land within or surrounding the site as a proposed designation for such use.

- 4.75 **Policy 17** relates to **trees and hedgerows**. It states that development proposals should ensure that there will be no loss or deterioration of irreplaceable habitats or ancient woodland and ancient or veteran trees found outside woodland, unless the need for and the benefits of the development in that location outweigh the loss.
- 4.76 Development proposals should also ensure that there is no damage to, or loss of, trees of good arboricultural and amenity value. Existing trees and hedgerows within sites should be retained where possible and incorporated as place-making features. Where loss is unavoidable, the number and type of replacement trees should be informed by the quality and size of the trees lost. The integration of existing hedgerows into private curtilages should be avoided where possible.
- 4.77 Wherever practicable, development proposals on sites outside the town centre and that are greater than 0.5ha, should deliver an increase in site canopy coverage.
- 4.78 **Policy 18 (Landscape character)** confirms that, as appropriate to their scale, nature and location, development proposals will be expected to:
- integrate any natural features, such as trees, hedgerows and the local river system, which contribute to both the landscape character and the setting of the development;
 - demonstrate that the scheme draws on local landscape characteristics and features;
 - responds sensitively to the settlement setting and transition between their edges and the countryside, whilst maintaining the separate identity of settlements; and
 - conserves or enhances the character, openness, tranquillity and amenity of the open countryside.
- 4.79 **Policy 19 (Green wedges)** is a new policy and identifies areas of countryside which are proposed to be designated as Green Wedge, and where development will be subject to a number of tests. The accompanying map does not show the site, or surrounding land, as a proposed Green Wedge designation.
- 4.80 **Policy 20** relates to **locally distinctive, high quality design**. It confirms that development proposals should contribute positively to the conservation, enhancement and the extension of the quality and local distinctiveness of the neighbourhood area. In addition, and having regard to the National Design Guidance and the Wiltshire Design Guide, proposals must demonstrate how they have been informed by the Melksham Design Guidelines and Codes. Proposals for major development should demonstrate in a Design and Access Statement how the proposed 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.
- 4.81 **Policy 21 (Local heritage)** requires proposals for development within the Melksham Conservation Area to show how they preserve and enhance the setting, characteristics and special qualities that make up the architectural and historic character of the designation.
- 4.82 For other assets of local importance, including sites of archaeological importance and buildings and structures identified as non-designated heritage assets, development proposals should demonstrate that appropriate consideration has been given to:
- the significance of the asset;
 - its most distinctive and important features;
 - the elements of its setting and immediate surrounds that contribute to its significance; and
 - the contribution the asset and its setting makes to the character of the local area.

- 4.83 Any planning application should show that they have been considered within a heritage statement. Archaeological surveys may also be required, prior to the determination of an application.
- 4.84 Figure 20 of the Neighbourhood Plan identifies locally valued non-designated heritage assets. None of these assets are immediately adjacent to the application site.

Saved policies of the West Wiltshire District Plan and the Leisure and Recreation Development Plan Document

- 4.85 There remain a number of policies saved within Development Plan documents that relate to the four former Districts. Of relevance to the site at Melksham, this includes the West Wiltshire District Plan and the Leisure and Recreation Development Plan Document. Relevant saved policies from both documents are summarised below. These policies will continue to form part of the Development Plan until they are replaced by the Local Plan Review.

West Wiltshire District Plan First Alteration - Adopted June 2004

- 4.86 **Policy C39 (Environmental enhancements)** confirms that the District Council will undertake environmental improvement schemes throughout the District. Specifically, environmental enhancements are proposed in various locations, including within Melksham.
- 4.87 **Policy C40 (Tree planting)** states that trees of visual amenity value will be retained, and Tree Preservation Orders will be made to protect important individual or groups of trees where appropriate. Tree planting schemes, using native species characteristic of the local area, are proposed at several locations at Melksham, including at land to the east of Melksham. Where public open space and water features are provided in new developments that are not used for formal recreation use, the biodiversity value of the area will be maximised through the planting of native species characteristic of the local area.
- 4.88 **Policy UIA (Foul water disposal)** states that development will only be permitted where adequate foul drainage, sewerage and sewage treatment facilities are available or where suitable arrangements are made for their provision. In sewered areas new development will be expected to connect to mains drainage. New sewers will be expected to be constructed to a standard adoptable by Wessex Water.
- 4.89 **Policy I2 (the Arts)** confirms that a percentage of the overall cost of development will be sought for a public arts scheme.
- 4.90 **Policy I3 (Access for everyone)** requires the needs of disabled people to be adequately catered for in new development proposals. Proposals should provide adequate access around buildings and external facilities and have regard to the relationship between buildings, the location and quantum of disabled parking.

West Wiltshire Leisure and Recreation Development Plan Document - Adopted February 2009

- 4.91 **Policy LP4 (Providing recreation facilities in new developments)** states that where new residential development creates a need for access to open space or sport and recreation provision, an assessment will be made as to whether a contribution to open space or sport and recreation provision is required. Provision could be secured via several mechanisms, including on site provision, financial contributions, or a combination of the two. Any necessary provision will be calculated taking into account, amongst other things, the quality standards set out in the document, which are provided below:

TABLE 4: PROPOSED QUALITY STANDARDS

FORM OF PROVISION	QUALITY (SQ.M/PERSON)
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Allotments	1.5
Bowling greens	0.2
Equipped play	0.5
Multi-functional greenspace	12
Sports pitches and courts	10
Teenage facilities	0.25
Urban parks	1.3
Sports halls	0.08
Swimming pools	0.05

- 4.92 **Policy LP5 (New sport and recreation facilities)** confirms that proposals for new sport and recreation facilities within the District will be supported provided that they meet the needs identified in an up-to-date assessment, are in accessible locations, particularly by sustainable modes of transport. Proposals for new open space provision and sports pitch provision will be supported at, amongst other areas, Melksham.
- 4.93 **Policy CR3 (Greenspace network)** requires development proposals to extend and enhance existing riverside walks, recreational areas and fragmented habitats, and in addition, secure and maintain public access to the banks of rivers, canals and other habitats, where they will have no adverse impacts on wildlife.
- 4.94 **Policy GM2 (Management and maintenance of new or enhanced open space)** confirms that developers will be required to make arrangements for the long-term management and maintenance of all new or enhanced provision resulting from the development including management for wildlife.

Minerals and waste documents

- 4.95 There are various policy documents pertaining to minerals and waste in Wiltshire, the majority of which do not present any development management policies of pertinence to a residential development at Melksham. The Waste Core Strategy includes two policies relating to the waste requirements for new residential development.

Waste Core Strategy – July 2009

- 4.96 **Policy WCS5 (The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management)** notes that developers must demonstrate that the most sustainable option for waste management has been promoted. The order of preference is elimination, reduction, reuse, recovery, then safe disposal.
- 4.97 **Policy SCW6 (Waste reduction and auditing)** states that residential developments providing more than 10 dwellings are required to design and provide facilities for occupiers for the development to

recycle/compost waste and/or facilities within individual or groups of properties for the source separation and storage of different types of waste for recycling and/or composting. Such provision will be expected to have regard to the existing capacity of facilities already available and to the existing Recycling Plan or Municipal Waste Management Strategy relevant to the area. Proposals must also be accompanied by a waste audit, specific requirements of which are noted in the policy.

5 Emerging Development Plan

- 5.1 The Wiltshire Local Plan Review is currently in progress and has reached examination stage.
- 5.2 This Section summarises the emerging Development Plan policy relevant to this application.

WILTSHIRE LOCAL PLAN REVIEW

- 5.3 As described above, the Wiltshire Core Strategy was adopted in 2015. It is therefore over five years old. As per the national requirement for Local Plans to be reviewed at least once every five years, the Council therefore began to review the Plan in 2020. The Local Plan Review process has progressed to Examination.
- 5.4 The submission plan focuses on reviewing the currently adopted Wiltshire Core Strategy, and therefore does not revisit the strategic objectives that were set out in that strategy. It does however update and introduce new policies to guide the determination of planning applications. A summary of the new and relevant emerging planning policies that are most pertinent to the forthcoming application are provided below.

Spatial strategy

- 5.5 **Policy 1 (Settlement strategy)** identifies the settlements where sustainable development will take place. The settlement hierarchy includes principal settlements, market towns, local service centres, and large and small villages. Melksham is again identified as a Market Town, which is defined as a settlement which has the ability to support sustainable patterns of living in Wiltshire through the levels of facilities, services, and employment opportunities currently available. Such locations have 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.
- 5.6 **Policy 2 (Delivery strategy)** sets out the strategy for delivering development in Wiltshire between 2020 and 2038 in the most sustainable manner. It identifies that provision will be made for the delivery of approximately 160ha of new employment land, and approximately 36,740 new homes in accordance with the form and distribution of development set out in the Area Strategy policies.
- 5.7 The housing requirement is phased across the plan period as noted below:
- Pre-plan adoption (2020 - 2024): 8,080 additional dwellings;
 - Phase 1 (2024 – 2031): 10,290 additional dwellings; and
 - Phase 2 (2031 – 2038): 18,370 additional dwellings.
- 5.8 New housing development will be delivered in a way that prioritises the release of employment land, and the re-use of previously developed land to deliver regeneration opportunities and to limit the need for development on greenfield sites.
- 5.9 At Market Towns, scales of growth and priorities for the development are set out in the Area Strategies for each settlement. Sites are identified within and on the edge of settlement boundaries where development will be supported. Additional housing allocations can be identified through subsequent development plan documents.

The strategy for the Chippenham HMA

- 5.10 Chapter 4 of the Regulation 19 Local Plan Review confirms that Melksham falls within the strategy area for the Chippenham HMA. Table 4.1 of the Plan confirms that the Chippenham HMA is to accommodate the largest quantum of residential and employment development of the four HMA's

within the local authority area (13,625 homes and 50.5ha of employment land). As a proportion, the Chippenham HMA will accommodate 37% of the housing requirement.

5.11 The strategy for the Chippenham HMA is set out at paras. 4.19 to 4.26 of the Plan. Summarily, it confirms that:

- Chippenham, as a Principal Settlement, will be the primary focus for future growth in the HMA; and
- Melksham is confirmed as being one of five Market Towns in the area.

5.12 The distribution of housing in the HMA is set out in the table below.

TABLE 5: DISTRIBUTION OF HOUSING GROWTH FOR THE CHIPPENHAM AREA

SETTLEMENT	HOUSING GROWTH (2020-2038) (DWELLINGS)	COMPLETIONS AND COMMITMENTS (1 APRIL 2020 – 31 MARCH 2022)	RESIDUAL REQUIREMENT AT 1 APRIL 2022
Chippenham	5,850	3,759	2,090
Calne	1,230	635	600
Corsham	360	105	260
Devizes	980	936	40
Malmesbury	600	611	0
Melksham	2,160	1,036	1,120
Rural area	2,460	1,732	730

Melksham Market Town

5.13 The supporting text to Policy 17 (Melksham Market Town) confirms that Melksham is one of the larger Market Towns in the County. It is identified as having an important strategic employment role and that its location on the A350 corridor makes it attractive to business. There is recognition that the settlement is not significantly constrained in environmental terms, but there are concerns over the adequacy of local infrastructure, including the A350 to support future growth.

5.14 The Plan proposes a lower rate of housing growth at Melksham than in recent years. Three sites are proposed for allocation, with a potential further urban extension to be identified towards the end of the Plan period to meet longer-term needs.

5.15 Policy 17 confirms that development at Melksham will:

- ensure town centre regeneration, including through maximising the use of brownfield land;

- reduce out-commuting through an improved employment offer;
- not undermine the delivery of an A350 bypass to the east of the town;
- increase levels of train passenger transport and help to 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 to the town centre;
- ensure sufficient healthcare facilities, schools and transport infrastructure are delivered;
- ensure a town-wide approach to future education provision, with sufficient early years, primary and secondary places to meet needs;
- continue to safeguard a future route of the Wilts and Berks canal;
- 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
- provide contributions to the Melksham Transport Strategy.

5.16 The Policy confirms that over the plan period approximately 2,160 homes and 5ha of employment land will be provided at Melksham. The housing requirement will be met through three allocations, including an allocation for approximately 285 homes on Land North of the A3102 (the application site).

5.17 A longer term, broad location for growth will be considered for further housing and employment uses in the future.

Site specific policy

5.18 Policy 20 (Land North of the A3102, Melksham) is a new policy which allocates land to the north east of Melksham for ***“approximately 285 dwellings, and 0.4ha of land for a 100-place nursery”***. The allocation relates to the application site.

5.19 The Policy confirms that a single masterplan, phasing and delivery strategy for the development must be prepared and approved by the LPA in advance of any planning application being submitted for the whole or part of the allocated site. The plan must take account of the requirements of the Policy and the principles shown on the concept plan. It should be prepared in consultation with the local community and the LPA. Subsequent applications must be prepared in accordance with the approved masterplan.

5.20 Infrastructure and mitigation requirements include:

- vehicular access from the existing roundabout on the A3102 adjacent to the southern boundary;
- offsite infrastructure improvements to water supply and the foul water network;
- introduce green and blue infrastructure through the development that incorporates new woodland and/or tree planting;
- provision of a suitable buffer either side of the watercourse that runs south to north through the site;
- funding contributions towards early years, primary and secondary education and on, or off-site healthcare capacity to meet the needs created by the development; 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.

5.21 The concept plan for the allocation is provided at Figure 4.14 of the emerging Local Plan. It provides a number of design principles, that, as indicated in the wording of Policy 20, should be included within any planning application. These principles include:

- a vehicular access from the existing roundabout on the A3102/Eastern Way;
- a primary street that extends from the principal vehicular access to the site's northern boundary;
- a secondary street, which connects with the A3102, in the south western portion of the site;
- footway and cycleway access either side of the secondary street;
- a footway and cycle access to the now completed Sandridge Place development to the west;
- six residential blocks, including three to the west of the Main River and three to the east;
- the north western residential block is to address the existing built form and public open space to the west of the site;
- two crossing points over the Main River;
- self and custom build plots in the north eastern area of the site;
- public open space provision, which is calculated using the West Wiltshire open space requirements;
- the public open space is to include a green corridor along the Main River, which is to include a children's play area, retained and enhanced landscaping, a new sustainable drainage system and a new Public Right of Way;
- allotment provision to the south of New Road Farm; and
- an enhanced woodland within a green infrastructure corridor on the site's eastern boundary.

Climate change and sustainability

5.22 **Policy 4 (Addressing climate change)** confirms that development proposals must support a move to carbon neutrality and adaption to climate change by:

- minimising carbon emissions, including through:
 - being located to reduce the need to travel and optimise opportunities to access services and make trips by sustainable and active modes of travel;
 - delivering a density of development that makes the most efficient use of land;
 - contributing to increased use of active travel;
 - adopting the principles of the energy hierarchy, as well as delivering energy efficient buildings and developments;
 - taking opportunities to generate, incorporate and connect to renewable and low carbon energy infrastructure wherever feasible; and
 - adopting the principles of the circular economy.
- maximising carbon storage and sequestration, including by:
 - providing, conserving, enhancing and restoring habitats and connectivity of the green and blue infrastructure, in order to provide a carbon storage function;
 - incorporating green and blue infrastructure, such as trees and woodland, to help sequester carbon from the atmosphere; and
 - minimise the loss, degradation and erosion of soils and enhancing soil structure where possible.
- mitigating and adapting to the impacts of climate change, including by:
 - managing flood risk from all sources associated with rivers, groundwater and surface water associated with more extreme weather events;
 - relocating vulnerable uses to less critical flood zones, where it is appropriate to do so;

- ensuring infrastructure is resilient to the impacts of climate change;
- providing a comprehensive and multi-functional SuDS system to serve all new development, including grey water harvesting;
- providing shade and green and blue infrastructure to reduce the overheating of urban areas during warmer summers;
- creating places that positively promote social inclusion, interaction and well-being, to ensure that communities are more resilient to challenges such as climate change;
- delivering a biodiversity net gain;
- incorporating appropriate water efficiency and recycling measures to help reduce energy demand, abstraction and reduce the impact of nutrients on the catchment of the River Avon SAC; and
- minimising and mitigating air pollution.
- responding to the economic and policy changes that are likely to accompany climate change, including:
 - wherever possible, reducing the reliance on the private vehicle; and
 - protecting high grade agricultural land.
- proposals for new development will need to demonstrate through a Sustainable Energy Statement:
 - how it will take account of embodied carbon, contribute to mitigating and adapting to climate change and to meeting targets to reduce carbon dioxide emissions.

5.23 **Policy 85 (Sustainable construction and low carbon energy)** confirms that new residential development will achieve zero-carbon in operation standard, by significantly reducing the heat and power demand through energy efficient design and/or modern methods of construction. The remaining energy demand should then be supplied through renewables. Any proposed dwellings should demonstrate that they have: (1) a space heating demand less than 30kWh/m²/annum; (2) total energy use less than 40kWh/m²/annum; (3) on site renewable energy generation to match total energy use, with a preference for mounted solar PV, subject to design considerations; and (4) a connection to a district heating network where one is available. If it can be demonstrated that this would be financially unviable or technically unfeasible, after on-site renewables have been maximised, any remaining carbon can be offset via developer contributions.

5.24 **Policy 87 (Embodied carbon)** is a new policy which requires proposals for major residential and/or non-residential applications to be supported by an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development of the substructure, superstructure, and finishes.

Social

5.25 **Policy 76 (Providing affordable homes)** confirms that in areas that are not designated as rural areas, affordable housing provision of at least 40% will be required on sites of 10 or more dwellings, or 0.5ha (the lower threshold applies). Only in exceptional circumstances will a commuted sum be sought.

5.26 The provision of affordable housing may vary on a site-by-site basis, taking into account evidence of local need, mix of affordable housing, and, where appropriate, the viability of development. All affordable housing will be subject to an appropriate legal agreement. This level of provision should be delivered with nil public subsidy.

5.27 The tenure mix on all sites will normally be 65% affordable rent, 10% shared ownership and 25% first homes.

- 5.28 Affordable housing should be distributed across the whole site in small clusters and their appearance and parking should be indistinguishable from other development.
- 5.29 **Policy 78 (Meeting Wiltshire's housing needs)** confirms that new housing, both market and affordable, should: (1) be well designed to address local housing needs through a range of differing types, tenures and sizes of homes, in order to create mixed and balanced communities; (2) meet the NDSS and be built to building regulations M4(2) standard; and (3) provide for a minimum 7% of all housing on site to building regulations M4(3) standard.
- 5.30 The proposed housing size and type should reflect that of the demonstrable need for the community in which it is located. The Wiltshire Local Housing Needs Assessment is referred to in the Policy, whilst for affordable housing, reference is made to the Council's housing register.
- 5.31 The Policy also confirms that housing schemes should help older people live securely and independently within their communities. Residential development must ensure that layout, form and orientation consider adaptability to change as an integral part of design at the outset. Developers will be required to demonstrate how their proposals respond to the needs of an ageing population. In, amongst other areas, Market Towns, specialist accommodation for older people should be considered. Moreover, sites in, *inter alia*, Market Towns should also incorporate housing suitable for vulnerable people.
- 5.32 **Policy 80 (Self and custom build housing)** requires 5% of all plots to be made available as serviced plots for self and custom build dwellings on sites of 20 or more new homes. Plots should be marketed for sale for a period of 12 months per plot and any plots subsequently developed for self-build and custom build must be completed within 3 years of purchase by a self-builder.
- 5.33 **Policy 81 (Community facilities)** confirms that the development of new community facilities within and adjoining settlement boundaries will generally be supported, where it will: (1) contribute towards making the settlement more sustainable; (2) be appropriate to its landscape and environmental setting; (3) be well related to an existing settlement; and (4) lead to no highway safety issues or result in adverse impacts on the local transport network.
- 5.34 **Policy 83 (Health and wellbeing)** is a new policy. It requires developments to contribute positively to health and wellbeing by enabling and promoting healthy lifestyles and minimising any negative health and wellbeing impacts.
- 5.35 It also states that the Council will seek to enhance local food growing opportunities by requiring new residential developments to have access or be accessible to, green and blue infrastructure, which will include community gardens, community orchards and/or allotments.
- 5.36 **Policy 84 (Public open space and play facilities)** requires all major new development to make provision for public open space and, where appropriate, play facilities.
- 5.37 Para. 5.92 refers to the 2020 Wiltshire Open Space Assessment Update, which was published in 2023. The table below confirms the proposed new open space standards.

TABLE: 6 EMERGING OPEN SPACE STANDARDS

TYPOLGY	QUANTITY STANDARD (HA/1000)	ACCESS STANDARD
Allotments	0.25	480 metres straight line or 10 minutes' walk time
Amenity Green Space	0.9	480 metres straight line or 10 minutes' walk time

Parks and Recreation Grounds	1.1	600 metres straight line or 12-13 minutes' walk time
Play Space (Children)	0.25	480 metres straight line or 10 minutes' walk time
Play Space (Youth)	0.30	600 metres straight line or 12-13 minutes' walk time
Natural Green Space	1.8	720 metres straight line or 15 minutes' walk time (for sites above 0.2ha) Natural England ANGSt
TOTAL	4.6	

The natural environment

- 5.38 **Policy 88 (Biodiversity and geodiversity)** is a new policy requiring development proposals to clearly demonstrate how the mitigation hierarchy has been sequentially applied. Development proposals must demonstrate how they protect features of nature conservation value as part of the design rationale. There is an expectation that such features are retained, sufficiently buffered and managed favourably to maintain their value, connectivity and function in perpetuity. Moreover, proposals must secure and implement measures to ensure no net loss of biodiversity and the local biodiversity resource, and to secure the integrity of local ecological networks and provision of ecosystem services.
- 5.39 All applications shall include appropriate measures to avoid and reduce disturbance in sensitive wildlife species and habitats over the lifetime of the development.
- 5.40 In relation to national site networks, development proposals must provide avoidance measures in accordance with the strategic plans or guidance where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the UK National Site Network. Any development that would have an adverse effect on the integrity of such a site, and where the impacts cannot be satisfactorily mitigated, will not be supported.
- 5.41 In relation to local sites, priority habitats and habitats of principal importance and local ecological networks, development will avoid direct and indirect impacts upon local sites by maintaining sufficient buffers and ecological connectivity with the wider environment. Damage or disturbance to local sites will be unacceptable, unless it meets the exceptional circumstances identified in the Policy. Proposals affecting local sites must make a reasonable contribution to their favourable management in the long term. Schemes should avoid negative impacts upon priority habitat, habitats of principal importance, ecological networks, and wildlife corridors, instead promoting their conservation, restoration, and enhancement alongside the recovery of priority species.
- 5.42 In addition to any features required as part of biodiversity net gain, mitigation or compensation, proposals are required to incorporate features of biodiversity value, specifically tailored to the application. As a minimum, the following are required within new proposals:
- integral bird nest bricks (e.g., swift bricks) at a minimum of two per dwelling;
 - provision of integrated bat boxes;

- provision of overhanging eaves suitable for nesting house martins in all major development, supplemented by the provision of nest cups; and
- hedgehog highways integrated throughout the design of development (e.g., suitable gaps in all garden fences) between gardens and the wider ecological network to facilitate movement of protected species.

5.43 Other features that should be included (but are not limited to):

- provision of wildflower verges and meadows throughout the development managed to ensure their longevity (e.g., provision of suitable native seeding and topsoil provisions);
- undertake nature friendly native planting schedules throughout development (e.g., planting wildlife friendly show gardens, incorporating native hedgerows and tree planting);
- design site lighting to avoid harm and optimise nature conservation (e.g., designing in dark corridors);
- optimise the ecological value of SuDS systems where required (e.g., through the provision of swales and pools, connected to the wider ecological network, planted with native vegetation); and
- incorporate features within the public realm to facilitate nature recovery and access to nature (e.g., bat walls/lofts, swift towers, log piles, insect hotels, invertebrate/bee bricks, reptile hibernacula, green and brown roofs / walls).

5.44 **Policy 89 (Biodiversity net gain)** is a new policy requiring all development to achieve a minimum of 20% biodiversity net gain, or higher, as stipulated by national legislation and/or policy or supplementary guidance. It should be sought and delivered in the following hierarchical manner: onsite delivery; offsite delivery via a nearby habitat; offsite delivery on an alternative suitable site; followed by credits.

5.45 Planning applications subject to mandatory biodiversity net gain must submit a Biodiversity Gain Plan. The submitted ecological assessments, and the Biodiversity Gain Plan itself, must be undertaken by a suitably qualified and/or experienced ecologist and be submitted together with baseline and proposed habitat mapping in a digital format with the application. Sites where net gain is provided (on or off site) must be managed and monitored by the applicant or an appropriate body funded by the applicant for a minimum period of 30 years. Annual monitoring reports detailing the sites condition must be submitted to the Council each year over this period. A management plan must be provided at the application stage detailing how the post development biodiversity values of the site and any supporting off-site provision will be secured, managed, and monitored in perpetuity.

5.46 **Policy 90 (Woodland, hedgerows and trees)** requires developers of major developments to make provision for the retention and enhancement of Wiltshire's woodlands, hedgerows and trees, and shall incorporate these assets into development design as part of the wider green and blue infrastructure network. This can be achieved by: (1) contributing to the tree planting targets of Wiltshire Council's Climate Strategy and the Woodland, Hedgerow and Tree Strategy; (2) supporting economic benefits of woodland and tree planting; (3) where applicable, supporting the aims and objectives of the Great Western Community Forest; (4) where acceptable in highway terms, ensuring tree lined streets, community orchards and garden tree planting; (5) providing woodland and street tree cover; and (6) ensuring the long-term sustainability of woodland, hedgerow and tree planting.

5.47 **Policy 91 (Conserving and enhancing Wiltshire's landscapes)** has been updated to reflect new local character areas and the emerging Wiltshire Landscape Strategy. The Policy outlines that development must conserve and where possible enhance landscapes in Wiltshire by:

- being located and designed to respect landscape character and maintain an area's distinctive sense of place and reinforce local distinctiveness as set out in the Wiltshire Landscape Character Assessment and landscape strategy;
- conserving, enhancing, and restoring the characteristics and views of landscapes along with existing site features such as trees, hedgerows, dry stone walls and waterbodies that contribute to the character and quality of the area;
- conserving and enhancing the locally distinctive character of settlements and their landscape settings;
- conserving and enhancing the transition between man-made and natural landscapes at the urban fringe;
- being of high-quality design appropriate to its townscape and landscape context in accordance with the National Design Guidance and Wiltshire Design Guide, that incorporates green and blue infrastructure, supports climate resilience, biodiversity enhancement, and the health and wellbeing of the local community;
- being located and designed to prevent erosion of relative tranquillity (light pollution and noise) and intrinsically dark landscapes, and use opportunities to enhance areas in which tranquillity has been eroded;
- where necessary, being supported by a proportionate Landscape and Visual Impact Assessment, or similar, that shows how, through an iterative process that has considered the site context, this has helped integrate and enhance the proposed development;
- protecting geology and soils that underpin the landscape character of Wiltshire enhancing healthy 'living' soils as the foundation for successful plant growth, natural carbon sequestration, groundwater storage and filtration, as well as all eco-system services.

5.48 **Policy 93 (Green and blue infrastructure)** has been updated to reflect national policy and local evidence. Development shall make provision for the retention and enhancement of Wiltshire's green and blue infrastructure network and shall ensure that suitable links to the network are provided and maintained.

5.49 Amongst other things, major developments should retain and enhance existing green and blue infrastructure on the site, identify opportunities for the creation and extension of green and blue infrastructure and put measures in place to ensure its appropriate long-term management and maintenance.

5.50 Where damage or loss of existing green or blue infrastructure is unavoidable, only the minimum necessary shall be removed. Any loss must be mitigated through the creation of new or replacement green and/or blue infrastructure equal to or above its current value and quality, which maintains the integrity and functionality of the green and blue infrastructure network.

5.51 Green and blue infrastructure projects and initiatives that contribute to the delivery of a high quality and highly valued multi-functional green and blue infrastructure network in accordance with the Wiltshire Green and Blue Infrastructure Strategy and GBI Settlement Frameworks will be supported. Developer contributions to support such initiatives will be required where appropriate.

5.52 **Policy 95 (Flood risk)** confirms that the Council will follow a sequential approach to flood risk management, in line with national policy and guidance. All development proposals will be required to consider the effect of the proposed development on flood risk from all sources, both on and off-site.

5.53 Where required, applications should be supported by a Site-Specific Flood Risk Assessment, Surface Water Drainage Strategy and a Ground Water Assessment.

5.54 All new development will include measures to reduce the rate of rainwater run-off and incorporate SuDS. Major development proposals should achieve a 20% betterment on greenfield runoff rates,

with runoff being managed as close to the source as possible, and in line with the surface water discharge hierarchy.

- 5.55 The Council will discourage culverting or the building over watercourses wherever practicable. Opportunities should be taken to secure the removal of existing culverting and the retention of existing land drainage features.
- 5.56 The drainage strategy should be designed to address flood depths for a 1 in 100-year storm event, plus an allowance for climate change. It should also demonstrate that the proposal will remain safe over its lifetime and consider access and egress in a flood event. SuDS should provide multiple benefits.
- 5.57 **Policy 96 (Water resources)** states that development must not prejudice the delivery of actions and targets of the relevant River Basin or Catchment Flood Management Plan and should, where possible, contribute towards their delivery. Development will only be supported where adequate foul drainage, sewerage and sewerage treatment facilities are available, or suitable provision can be made.
- 5.58 **Policy 98 (Ensuring high quality design and place shaping)** sets out to ensure that a high standard of design is required in all new developments. It identifies 13 criteria which can help achieve quality design, relating to local distinctiveness, landscaping and natural features, townscape, historic buildings, sustainability, efficiency of land, land use compatibility, designing out crime, public realm, sensitive and sympathetic design, consideration of use, and materials.
- 5.59 **Policy 99 (Ensuring the conservation and enhancement of the historic environment)** focuses on conserving or enhancing the historic environment. It notes that designated heritage assets and their settings will be conserved and, where appropriate, enhanced, in a manner appropriate to their significance.
- 5.60 Any harm to the significance of designated heritage assets which will result from development proposals will be required to be justified and outweighed by public benefits (including heritage benefits) at a level appropriate to the significance of the asset and the harm caused.
- 5.61 Any harm to the significance of undesignated assets which will result from development proposals must be carefully balanced considering the significance of the asset and the harm caused.
- 5.62 Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.
- 5.63 Proposals for change affecting the historic environment (which require planning permission or listed building consent) should be accompanied and informed by an assessment of heritage significance and the impact of the proposals on this significance, making reference to the information held in the Historic Environment Record. Where a proposal includes potential archaeological interest, a desk-based assessment, and if necessary, field evaluation should be carried out and submitted with the proposal.
- 5.64 **Policy 101 (Air quality)** states that development proposals that are likely to exacerbate existing areas of poor air quality will need to demonstrate that measures can be taken to mitigate emission levels where air quality is a concern. Such measures should demonstrate how they will make a positive contribution to the aims of the County's Air Quality Strategy and, where relevant, the Air Quality Action Plan. Applicants should have particular regard to nitrogen dioxide, fine particulates and very fine particulates.

Sustainable transport

- 5.65 **Policy 70 (Sustainable transport)** confirms that the Council will seek to help people travel shorter distances and use sustainable modes of travel to reduce carbon emissions. This will be achieved by:
- planning significant developments in locations that are, or can be made accessible by sustainable modes of travel;
 - promoting active travel and public transport as the natural choice for short and single journeys to the urban area;
 - promoting appropriate demand management measures;
 - working with partners and others to deliver infrastructure for electric vehicle charging and alternative fuels;
 - assessing and, where necessary, mitigating the impact of development on transport users, local communities and the environment; and
 - developing proportionate transport strategies for the Principal Settlements and the Market Towns.
- 5.66 **Policy 71 (Transport and new development)** confirms that in urban areas, new development will be supported where users can access a choice of sustainable transport modes and opportunities are provided to make improvements. When considering the transport implications of a development, the following should be taken into consideration: (a) the visually impaired and other disabled people; (b) pedestrians; (c) cyclists/scooting; (d) public transport; (e) goods, service vehicles and emergency vehicles; (f) micromobility vehicles; (g) powered two-wheelers; (h) car clubs, car sharing and taxis; (i) private cars; and (j) freight.
- 5.67 Proposals must be capable of being served by a suitable and safe access to the highway network. Where appropriate, development contributions will be sought towards sustainable transport improvements and travel plans will be required to promote sustainable transport alternatives. Electric vehicle infrastructure will be required in accordance with national or local standards as relevant. Where necessary, development should provide appropriate mitigation measures to offset adverse impacts on the transport network during both the construction and operational phases.
- 5.68 **Policy 73 (Transport: demand management)** states that appropriate demand management measures will be required. These measures include: (1) car parking management, including parking standards; (2) traffic management measures; (3) smarter choice measures, such as travel planning; and (4) infrastructure, such as cycle paths and parking. Further details on how the measures outlined above should be utilised are set out within the Wiltshire Local Transport Plan, the Local Transport Plan Car Parking Strategy, Local Cycling and Walking Infrastructure Plans and the Local Transport Plan Smarter Choices Strategy.
- 5.69 **Policy 75** concerns the **strategic transport network**, which is shown on Figure 3.2 of the Plan. The A3102 appears to be identified as a non-strategic A road. The Policy confirms that the strategic transport network along the A350, A36 and the A303 will be maintained, managed and improved to support development at a number of settlements, including Melksham. The development and/or improvement of a number of railway stations will also be promoted and supported and includes Melksham.

6 The National Planning Policy Framework

- 6.1 The NPPF was revised in December 2024. It is a material planning consideration in planning decisions and sets out the Government's planning policies for England and how these should be applied.
- 6.2 The following national planning policies are considered relevant to this planning application, for which detailed planning approval is being sought.

Achieving sustainable development

- 6.3 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development (para. 7). There are three overarching objectives (economic, social and environmental), which are intrinsically linked and should be pursued in complementary ways. Para. 9 confirms that these objectives are not criteria to judge every proposal against and that planning decisions should play an active role in guiding development towards sustainable solutions.
- 6.4 Para. 11 states that all decisions should apply the presumption in favour of sustainable development. This means that applications that accord with an up-to-date development plan should be approved without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
- the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposed development; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.5 The NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as being the starting point for decision-making. Where a development proposal conflicts with an up-to-date development plan (including any neighbourhood plan), permission should not normally be granted. LPAs may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the development plan should not be followed (para. 12).
- 6.6 Para. 14 states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impacts of allowing the development are likely to significantly and demonstrably outweigh the benefits, as long as the following apply:
- the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- 6.7 Reference is made to paras. 69 and 70 of the NPPF, which requires LPAs to establish a housing requirement figure for their whole area, and within this requirement, set out a housing requirement for designated neighbourhood areas. Where it is not possible to provide a requirement figure for a neighbourhood area, the LPA should provide an indicative figure if requested to do so.
- 6.8 As identified in Section 4 above, Melksham benefits from a Neighbourhood Plan which was Made within the last five years. However, the Neighbourhood Plan is based on housing allocations (including the subject site) as such the plan does not contain policies to meet its full identified housing requirement rather this is predominantly provided by the emerging Plan.

6.9 Consequently, it is considered that in this instance, para. 14 of the NPPF is not engaged.

Decision making

- 6.10 In line with planning law, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraphs 2 and 48).
- 6.11 Para. 231 states that policies in the NPPF are material considerations which should be taken into account when determining planning applications from the day of its publication. However, existing policies should not automatically be considered to be out-of-date simply because they were adopted prior to the latest version of the NPPF. Due weight should be given to them, according to their degree of consistency with the latest version of the Framework.
- 6.12 Where a LPA can demonstrate a five-year supply of deliverable housing sites (including the appropriate buffer, as set out in para.78), and where the Housing Delivery Test shows that housing delivery has exceeded 75% of the authority's housing requirement over the previous three years, policies should not be considered out-of-date on the basis that the latest local housing need figure, calculated using the standard method, exceeds the housing requirement set out in adopted strategic policies. This protection remains in place for a period of five years from the date of the plan's adoption (para. 232).
- 6.13 All existing Development Plan documents that are relevant to this planning application were adopted prior to the publication of the latest version of the NPPF. Consequently, it will be for the decision maker to decide what weight to afford relevant policies within the Development Plan, according to the considerations set out in the NPPF. Moreover, as the Core Strategy was adopted over five years ago, the protection afforded by para. 232 of the NPPF is not applicable.
- 6.14 Emerging plans may also be afforded weight in the decision-making process (para. 49 refers). The weight to be afforded to policies in emerging plans will depend upon the following factors: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that maybe given); (b) the extent to which there are unresolved objections to relevant policies; and (c) the degree of consistency of relevant policies within the emerging plan to the NPPF.
- 6.15 As set out above, both the Local Plan Review is currently being prepared and was submitted for Examination on 28th November 2024. It will attract greater weight as it progresses through the plan making process. The LPA confirmed that whilst there are a significant number of unresolved objections for some policies within the emerging Local Plan Review, there were a limited number of objections received regarding the allocation of the application site. Consequently, it should be afforded a greater weight in the decision-making process than other policies within the plan which have attracted a greater level of objection.
- 6.16 The NPPF is also clear that arguments that an application is premature are unlikely to justify a reason for refusal, other than in the following limited circumstances where both:
- a) the development is so substantial, or its cumulative effect would be so significant, that to grant planning 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. 50 refers).
- 6.17 Refusal of planning permission on the ground of prematurity will seldom be justified where a draft plan has yet to be submitted for examination (para. 51).

Approach to determining applications

- 6.18 Para. 39 of the NPPF confirms that LPAs should approach decisions on proposed developments in a positive and creative way. Decision makers should seek to approve applications for sustainable development where possible.
- 6.19 Para. 40 outlines that early engagement can improve the effectiveness of the planning system for all and that good pre-application discussions can enable improved outcomes for the community. Para. 41 recommends that LPAs encourage applicants to engage with the LPA and the community, as well as with statutory and non-statutory consultees, before submitting an application. Paragraph 42 suggests that the more issues that are resolved in the pre-application phase, the greater the benefits. The right information is crucial to good decision-making, particularly where formal assessments are required, such as Environmental Impact Assessment (para. 44).
- 6.20 Reflecting on national planning policy concerning pre-application engagement, the applicant entered into pre-application discussions with the LPA, prior to the submission of this planning application. The applicant has also undertaken a significant programme of pre-application discussions with the local ward members, Melksham Without Parish and Town Councils and the wider community. Where relevant, the applicant has also held pre-application discussions with other statutory and non-statutory consultees, including the Local Highways Authority, the Lead Local Flood Authority and Wessex Water. Details of the pre-application engagement are set out in the submitted Statement of Community Engagement. These discussions have continued throughout the determination of the full planning application (PL/2024/10345) which in turn have fed into the proposals submitted herein.
- 6.21 In addition, the LPA have confirmed that *“the ES statement submitted with application PL/2024/10345 contains all necessary detail that the Council would have requested in the scoping opinion.”*

DELIVERING A SUFFICIENT SUPPLY OF HOMES

- 6.22 Section 5 and specifically para. 61 of the NPPF states that the Government’s objective is to significantly boost the supply of homes, which will be achieved by ensuring that a sufficient amount and variety of land comes forward and that the needs of groups with specific housing requirements are addressed.
- 6.23 Ordinarily, strategic policies should be informed by a local housing needs assessment, conducted by the standard method (para. 62). Within this context, the size, type and tenure of housing for different groups should also be assessed and reflected in planning policies (para. 63). This assessment should be undertaken for *inter alia*, those requiring affordable housing, families with children, older people, people with disabilities and people who wish to commission or build their own home.
- 6.24 Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and ordinarily expect it to be provided on site (para. 64).
- 6.25 Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures (para. 66)
- 6.26 Strategic policy making authorities should have a clear understanding of the land available in their area through the preparation of a housing land availability assessment. From this, policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Policies should identify a supply of: (1) deliverable sites for five years following the intended date of adoption; and (2) specific, developable sites or broad locations for growth for years 6 to 10, and where possible, for the remaining plan period (para. 72).
- 6.27 Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, as they are often built out relatively quickly (para. 73).

Maintaining supply and delivery

- 6.28 LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing 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, which is the case with the Wiltshire Core Strategy (para. 78).
- 6.29 The supply of specific deliverable sites should include a buffer (moved forward from later in the plan period) of:
- 5% to ensure choice and competition in the market for land; or
 - 20% where there has been a significant under delivery of housing over the previous three years, which, as outlined in footnote 40 of the NPPF, is to be measured against the Housing Delivery Test; or
 - from 1st July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the past five years, examined against the previous version of the Framework, and whose annual average requirement is 80% or less of the most up-to-date housing need figure calculated using the standard method.
- 6.30 As discussed in Section 8 below, Wiltshire Council cannot currently identify a demonstrable five-year supply of developable housing sites. Consequently, the presumption in favour of sustainable development, as outline in para. 11 of the NPPF, is engaged.
- 6.31 Moreover, as the emerging Local Plan was submitted for Examination before 12th March 2025, it will be examined against previous versions of the NPPF and that, at present, it is planning to meet only 59% of the local housing need figure. Accordingly, from 1st January 2026, assuming that the emerging Local Plan is adopted as written, the LPA will need to identify a housing land supply with a 20% buffer.
- 6.32 To maintain the supply of housing, LPAs should monitor progress in building out sites which have permission. Where the housing delivery test indicates that delivery has fallen below the local housing requirement over the previous three years, various consequences apply, including, if delivery falls below 85%, the authority should include a buffer of 20% to their identified supply of specific deliverable sites. If delivery falls below 75% of the requirement of the previous three years, the presumption in favour of sustainable development should apply (para. 79).

BUILDING A STRONG, COMPETITIVE ECONOMY

- 6.33 Para. 85 confirms that planning decisions should help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

PROMOTING HEALTHY AND SAFE COMMUNITIES

- 6.34 Planning decisions should help to achieve healthy, inclusive and safe places (para. 96). This can be achieved by, amongst other things:
- **promoting social interaction** – including providing opportunities for meetings between people who might not otherwise come into contact with each other, for instance through mixed-use development, strong neighbourhood centres and street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods and active frontages;
 - **the creation of safe and accessible places** - so that crime and the fear of crime do not undermine the quality of life and community cohesion. This can be achieved through the creation of clear and legible pedestrian and cycle routes and high-quality public spaces; and

- **enable and support healthy lifestyles** – through, for instance, the creation of safe and accessible green infrastructure, allotments and layouts that encourage walking and cycling.

6.35 Para. 98 states that planning decisions should ensure that social, recreational and other services and facilities that the community needs are provided. Specifically, decisions should plan positively for the provision and use of services and facilities, including meeting spaces and open spaces. Consideration should be given to local strategies to improve the health, social and cultural well-being of an area and ensure an integrated approach to the location of housing, community facilities and services. A sufficient choice of school places should be available to meet the needs of the community (para. 100).

Open space and recreation

6.36 Access to a network of high-quality open spaces and sports provision is identified as being important for the health and the well-being of communities and can deliver wider benefits for nature and to support efforts to address climate change. Planning policies should be based on a robust and up-to-date assessment of the need for open space, sport and recreation facilities. Information provided within these assessments should be used to determine what open space, sport and recreation provision is required (para. 103).

PROMOTING SUSTAINABLE TRANSPORT

6.37 Section 9 of the NPPF encourages the early consideration of transport issues when forming development proposals. Specifically, para. 109 states that this early consideration should allow for:

- the potential impacts on transport networks to be addressed;
- opportunities from existing and proposed transport infrastructure and changing transport technology and usage to be realised;
- opportunities to promote walking, cycling and public transport use to be identified and pursued;
- the environmental impacts of traffic and transport infrastructure to be identified and assessed, with necessary mitigation provided; and
- a full consideration of streets, parking and the pattern of movement in the formation of a proposal.

6.38 Significant development should be focused on locations which are, or can be made, sustainable through limiting the need to travel or offering a genuine transport choice, which can help reduce congestion and emissions, which can improve air quality and public health (para. 110).

Considering development proposals

6.39 Para. 115 states that when assessing applications for development, it should be ensured that: (a) sustainable transport modes are prioritised; (b) safe and suitable access to the site can be achieved for all users; (c) the design of streets, parking areas and other transport elements reflect current national guidance; and (d) any significant impacts from the development on the transport network or on highway safety can be mitigated to an acceptable degree, through a vision led approach. 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 (para. 116).

6.40 Applications for development should: (1) afford a priority to pedestrian and cycle movements, both within the scheme and the surrounding environs and facilitate access to high quality public transport provision; (2) address the needs of people with disabilities and reduced mobility; (3) be designed to reduce conflicts between pedestrians, cyclists and vehicles; (4) allow for the delivery of goods and access by service and emergency vehicles; and (5) be designed to enable the charging of plug-in or other ultra-low emission vehicles (para. 117). Developments that will generate significant

amounts of movement should be accompanied by a travel plan and supported by a vision-led transport statement or a transport assessment (para. 118).

- 6.41 An analysis of the sustainable transport measures proposed and the transport impact of the proposals are set out in Section 9 of this Planning Statement.

MAKING EFFECTIVE USE OF LAND

- 6.42 Planning decisions should promote an effective use of land (para. 124). Specifically, para. 125 confirms that planning decisions should:

- encourage the multiple benefits from both urban and rural land, including through mixed-used schemes and take the opportunities to achieve net environmental gains; and
- recognise that undeveloped land can perform many functions, including for wildlife, recreation, flood risk mitigation, cooling/shading and food production.

Achieving appropriate densities

- 6.43 Para. 129 advises that planning decisions should support development that makes efficient use of land, taking account of: (1) the identified needs for different types of housing; (2) local market conditions and viability; (3) the availability and capacity of infrastructure and services; (4) the desirability of maintaining an area's prevailing character and setting; and (5) the importance of securing well-designed, attractive and healthy places.
- 6.44 Para. 130 confirms that where there is an existing or an anticipated shortage of land, planning decisions should ensure that residential development proposals are not being built at low densities. LPAs should refuse planning applications which fail to make efficient use of land.
- 6.45 As set out in Section 8 of this Planning Statement, the proposed development achieves a significant number of benefits. For the reasons set out in the Design and Access Statement, the proposal makes efficient use of land when considered against the criteria of para. 129 of the Framework.

ACHIEVING WELL-DESIGNED PLACES

- 6.46 The creation of high-quality, beautiful and sustainable spaces is fundamental to what the planning process should seek to achieve, with good design being a key aspect of sustainable development (para. 131 confirms).
- 6.47 Planning decisions should ensure that developments: (a) function well and add to the overall quality of the area over the lifetime of the development; (b) are visually attractive; (c) are sympathetic to local character and history; (d) establish a strong sense of place; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and (f) create safe, inclusive, accessible and healthy places (para. 135).
- 6.48 Para. 136 confirms that trees make an important contribution to the character and the quality of urban environments and provide other additional benefits. Planning decisions should ensure that new streets are tree lined and that opportunities are taken to incorporate tree planting elsewhere within the development. Measures should be put in place to secure the long-term maintenance of newly planted trees.
- 6.49 Early discussions between the applicants, the LPA and the local community about the design of emerging schemes should be undertaken. Applicants that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot (para. 137).

- 6.50 Development that is not well designed should be refused. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents (para. 139).
- 6.51 As set out in Section 8 of this Planning Statement, the application fully responds to technical work undertaken to support the application, as well as the expectations of Policy 20 of the emerging Local Plan Review and the design principles embedded in the indicative concept plan provided at Figure 4.14 of the emerging Local Plan. This masterplanning exercise has ensured that the design response has been landscape led. The Design and Access Statement confirms that the proposed development provides a strong alignment with national planning policy and guidance expectations in relation to design, resulting in a high quality and sustainable development.
- 6.52 The development proposed in this application has also been subject to detailed discussions with the Local Authority and other statutory consultees. The applicant has also engaged with Melksham Town Council, Melksham Without Parish Council and the wider community. Details of the applicant's public consultation effort is set out in the accompanying Statement of Community Involvement.

MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

- 6.53 The planning system should support the transition to net zero by 2050, and take full account of all climate impacts, including storm and flood risk. It should contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure (para. 161).

Planning for climate change

- 6.54 New developments should be planned in ways that avoids increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions, through measures including its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards (para. 164).
- 6.55 When determining applications, LPAs should expect new development to: (a) comply with development plan policies on local requirements for decentralised energy supply, unless it can be demonstrated that it is not feasible or viable; and (b) ensure that the design of the scheme seeks to reduce energy consumption (para. 166).

Planning and flood risk

- 6.56 Para. 170 confirms that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk. Where development is necessary in such areas, it should be made safe for its lifetime, without increasing flood risk elsewhere.
- 6.57 Strategic policies should be informed by a strategic flood risk assessment (para. 171) and all plans should apply a sequential approach for the location of development, so as to avoid, where possible, flood risk to people and property (para. 172). They should do this, and manage any residual risk by:
- applying the sequential test and then, if necessary, the exception test;
 - safeguarding land from development that is required, or likely to be required, for current and future flood management;
 - using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impact of flooding; and
 - where climate change is expected to increase flood risk, seeking opportunities to relocate development to more sustainable locations (para. 172).

- 6.58 A sequential risk-based approach should also be taken for individual applications in areas known to be at risk now or in the future from any form of flooding (para. 173).
- 6.59 The aim of the sequential test is to steer development to locations with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (para. 174). The sequential approach should be used in areas known to be at risk of flooding now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source, now or in the future (para. 175).
- 6.60 Planning Policy Guidance Paragraph: 027 Reference ID: 7-027-20220825 was published in September 2025 and provides further guidance on how para 175 is to be applied in principle. It confirms firstly that a proportionate approach should be taken to all forms of flooding. Secondly with regards to surface water flooding it indicates that where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere, then the sequential test need not be applied.
- 6.61 When planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage (para. 180).
- 6.62 When determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a flood risk assessment. Development should only be allowed in areas at risk of flooding where it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - the development is appropriately flood resistant and resilient;
 - it incorporates SuDS;
 - any residual risk can be safely managed; and
 - safe access and escape routes are included (para. 181).
- 6.63 Applications that could affect drainage on or around the site should incorporate SuDS to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposals. These should provide multifunctional benefits wherever possible. SuDS provided as part of major developments should: (1) take account of advice provided by the Lead Local Flood Authority; (2) have appropriate minimum operational standards; and (3) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development (para. 182).
- 6.64 Matters relating to flood risk are considered within Section 9 of this Planning Statement.

CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

- 6.65 Relevant to this planning application, planning decisions should contribute to and enhance the local environment (para. 187). This should, amongst other things, be achieved by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (commensurate with their statutory status or identified quality in the development plan);

- recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems;
- minimising impacts on and providing net gains for biodiversity; and
- preventing new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Habitats and biodiversity

6.66 Para. 193 outlines that when determining applications, LPAs should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect on it (alone or in combination), should not normally be permitted;
- c) development resulting in the loss or the deterioration of irreplaceable habitats (such as ancient woodland and ancient and veteran trees) should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and
- d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure net gains for biodiversity.

6.67 The development's impact on biodiversity is considered at Section 9.

Ground conditions and pollution

6.68 Planning decisions should ensure that a site is suitable for the use being proposed, having regard to the ground conditions (para. 196).

6.69 Planning decisions should ensure that new development is appropriate to its location, taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so, they should: mitigate and reduce, to a minimum, potential adverse noise impacts; identify and protect tranquil areas which are relatively undisturbed by noise and are prized for their recreational and amenity value; and limit the impact of light pollution from artificial light on local amenity (para. 198).

6.70 Decisions should sustain and contribute towards compliance with relevant limit values and objectives for pollutants. Opportunities to improve air quality or to mitigate impacts should be identified (para. 199).

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

6.71 The NPPF requires applicants to describe the significance of any designated heritage assets affected by a proposal, including the contribution made by its setting. Where a site on which development is proposed includes or has the potential to include heritage assets of archaeological interest, LPAs should require, as a minimum, a desk-based assessment (para. 207 refers).

6.72 LPAs should also, when determining applications, assess the significance of any heritage asset that could be affected by the scheme, taking into account any available evidence. They should take that assessment into account when considering the impact of a proposed development on a heritage asset, in order to avoid or minimise the conflict between the asset's conservation and any aspect of the proposal (para. 208).

6.73 When determining applications, LPAs should also take account of: (1) the desirability of sustaining and enhancing the significance of heritage assets; (2) the positive contribution that the conservation of heritage assets can make to sustainable communities; and (3) the desirability of new development making a positive contribution to character and distinctiveness (para. 210).

- 6.74 When considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of the resultant level of harm from the proposed development (para. 212).
- 6.75 Para. 213 confirms that any harm to, or loss of, the significance of a designated asset should require clear and convincing justification. Substantial harm to, or loss of, Grade II listed buildings or registered parks and gardens, should be exceptional and assets of the highest significance should be wholly exceptional.
- 6.76 Where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para. 215). The effect of an application on a non-designated asset should be taken into account in determining the application. In considering applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required regarding harm and loss and the significance of the asset (para. 216).
- 6.77 The resultant heritage impacts of the proposal are considered at Section 9.

SUMMARY

- 6.78 The NPPF sets out the Government's policy relating to planning in England. It is capable of being a material consideration in the determination of planning applications. The scheme provides a good fit with national planning policy and will therefore contribute to sustainable development.
- 6.79 Moreover, national planning policy requires LPAs to identify a five-year supply of specific deliverable housing sites to meet needs. As is demonstrated below, Wiltshire Council is currently unable to satisfy that requirement and therefore the presumption in favour of sustainable development is in effect. This means that the policies that are most important for determining this application are considered to be out-of-date. There are no policies in the NPPF that would provide a clear reason for refusing the development and consequently, the application should be approved, unless any adverse impacts resulting from the application would significantly and demonstrably outweigh the benefits provided from it. This is explored further in Section 7 and 8.

7 Other material considerations

- 7.1 In line with planning legislation¹, planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Sections 5 and 6 of this Planning Statement provide a summary of the emerging Development Plan and the NPPF, both of which are capable of being material considerations in the determination of this planning application. This Section considers whether there are other material considerations that are relevant to the determination of this planning application. Section 8 considers whether, in light of the material considerations identified in Sections 5, 6 and 7, a decision should be made in any other way than in accordance with the Development Plan.
- 7.2 As well as the emerging Development Plan and the NPPF, the following other material considerations are identified:

THE DEVELOPMENT PLAN

- the length of time remaining for the Development Plan; and
- the age of the evidence base on which policies within the Core Strategy were formed, as well as changes that have occurred on the ground in Melksham since the Core Strategy was adopted.

HOUSING NEEDS

- the short and long term housing land supply;
- housing supply and the forthcoming Local Plan Review Examination in Public;
- housing delivery from the application site;
- housing affordability;
- the need for affordable housing; and
- the need for accessible, adaptable and wheelchair user housing.

LOCAL PLAN REVIEW EVIDENCE BASE

- Sustainability Appraisal;
- Planning for Melksham Background Paper;
- Site Landscape Appraisals; and
- Deliverability.

SUPPLEMENTARY PLANNING DOCUMENTS

- the Wiltshire Design Guide (2024).

OTHER GUIDANCE

- Wiltshire Council's Interim Position Statement on First Homes (June 2022);

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

- the draft Melksham Design Guide (July 2023); and
- Wiltshire Local Transport Plan 2011- 2026.

7.3 A consideration of whether the circumstances presented for each material consideration has altered is set out in turn below.

THE DEVELOPMENT PLAN

Plan period remaining

- 7.4 As outlined in Section 4, the Core Strategy runs until 2026. As such it only plans to meet the development needs of Wiltshire and Melksham for less than one monitoring period. Similarly, the policies therein plans that seek to constrain development, including those that relate to settlement limits, were only intended to endure for the same period; they were not intended to constrain development over the longer term.
- 7.5 It has since been demonstrated, including at Appeals, that Wiltshire's medium to longer term housing needs cannot be met from the current limits of development.

The age of the evidence base underpinning the Core Strategy and events that have occurred on the ground

- 7.6 The Core Strategy was adopted in January 2015. It followed the completion of its Examination and the publication of the Inspector's Report, which was published nearly a decade ago. In considering the most appropriate housing requirement, the Inspector considered:
- the draft Strategic Housing Market Assessment, which was published in December 2011 and is therefore approaching 13 years old. The data used within the Assessment is older; and
 - whilst the 2011-based household projections were referred to, a greater emphasis was placed on the 2008 based population and household projections.
- 7.7 Using this data, the Inspector recommended a housing requirement of at least 42,000 dwellings, which was taken forward into Core Policy 2 of the Core Strategy (2,100 dwellings per annum).
- 7.8 Consequently, it can be concluded that the housing requirement being planned for is established in a development plan document which is itself nearly a decade old. The evidence on which the housing requirement is established is now over a decade old (and now does not accord with the Government's preferred approach for calculating objectively assessed needs).
- 7.9 At a general level, it was against this dated housing requirement that the allocations were made within the Development Plan and settlement boundaries were formed in subsequent DPDs. Against this dated context, a number of developments have either been constructed, or benefit from planning permission that are located beyond the defined settlement limits, including at Melksham, with the most obvious example being the Sandridge Place development, which is located immediately to the west of the application site (ref: 15/12454/OUT).
- 7.10 As outlined in both the *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government and another* [2014] EWHC 754 (Admin) High Court judgement and the *Peel Investments (North) Ltd v Secretary of State for Housing, Communities And Local Government & Anor* [2020] EWCA Civ 1175 (03 September 2020) Court of Appeal case, policies that are considered to be the most important for determining an application can be considered to be out-of-date if they have been overtaken by events that have happened since the plan was adopted, either on the ground, a change in national policy, or for another reason.
- 7.11 Given that: (1) the development extent was established in Melksham against the context of a dated housing requirement, which itself was derived from an even older evidence base; and (2) a significant amount of development has occurred beyond Melksham's settlement limits since they

were established, it is considered that policies that relate to settlement limits at Melksham are out-of-date.

HOUSING SUPPLY

The short and long term housing land supply

- 7.12 The following Section provides an update of the short and longer-term housing land supply within Wiltshire and the implications for this planning application.

Short-term housing land supply

- 7.13 As set out in Section 6 above, in response to the Government's objective to significantly boost the supply of housing, there is an expectation that LPAs provide a five-year supply of housing land, with an appropriate buffer.
- 7.14 Briefing Note No. 25-04, which was published by the Local Planning Authority on 18th June 2025, confirms that, having regard to the local housing need at that time (3,525 homes per annum) and a buffer of 5%, a housing land supply of only 2.42 years could be identified.
- 7.15 The Briefing Note refers the reader back to an earlier Briefing Note (no 24-20) which sets out the implications for decision taking given that the Local Planning Authority was unable to demonstrate the required housing land supply and therefore the 'tilted balance' was engaged. It states that the:
- "...magnitude of the shortfall in supply is now substantial and the weight to be given to improving housing supply greater compared to when the council had a more marginal supply²."*
- 7.16 In recognition of this level of housing land supply, the Inspector of recent Appeal APP/Y3940/W/24/3353040 afforded a "*substantial benefit*³" to the provision of 315 new dwellings, which is only modestly higher than is being sought from this application. It follows that the same benefit should be afforded to the quantum of housing proposed in application PL/2024/10345.

Longer-term housing supply

- 7.17 As set out in Section 4 of this Planning Statement, Core Policy 2 of the Core Strategy outlines that Wiltshire Council planned to provide a minimum of 42,000 new homes between 2006 and 2026, which equates to an annual requirement of 2,100 dwellings.
- 7.18 Table 3 of the latest published Housing Land Supply Statement confirms that as of 31st March 2024, 37,606 dwellings have been completed within Wiltshire since 2006. A further deliverable supply over the period 2024-26 of 3,363 dwellings is identified. This means that 40,969 dwellings have either been delivered in Wiltshire or are forecast to be by the end of the Plan period. This is 1,031 dwellings fewer than should have been provided (a minimum of 42,000 homes).
- 7.19 It can therefore be concluded that without adding to the supply of deliverable sites that are likely to make a contribution to meeting the minimum identified need in the period to 2026, an under delivery of housing against the overall requirement will result.
- 7.20 At a more local level, the Housing Land Supply Statement confirms that 21,675 homes have been constructed in the North and West Wiltshire Housing Market Area, within which Melksham is located, over the period 2006 to 2024. Applying the annualised requirement of 1,237 dwellings, over the period 2006 to 2024, a total of 22,266 homes should have been constructed within the North and

² Para. 6.

³ Para. 99.

West Wiltshire Housing Market Area. However, Table 3 of the latest Housing Land Supply Statement confirms that this is a shortfall of 591 homes. The shortfall is expected to remain by the end of the plan period with 23,860 forecast to be complete by 2026 against a requirement of 24,740. This is a shortfall of 870 homes.

- 7.21 It is therefore apparent that the Core Strategy will not, by the end of the Plan period, have achieved the minimum housing requirement, across both Wiltshire and more locally within the North and West Wiltshire Housing Market Area. This provides a significant conflict with the expectations established in the NPPF, which expects strategic policies within plans to meet identified needs⁴. Moreover, it would also conflict with one of the Core Strategy's own Strategic Objectives, which is to provide everyone with access to a decent, affordable home.

Housing land supply requirements from 1st July 2026

- 7.22 As confirmed in Section 7 above, as the Local Plan Review is being examined against the previous version of the NPPF and proposes a housing requirement that is less than 80% of the local housing need calculated using the standard method, it will be necessary for the Local Planning Authority, from 1st July 2026, to identify a five-year supply of deliverable housing sites with a 20% buffer (i.e. a six year supply).

- 7.23 Briefing Note 24-20 confirms that:

"To meet this increased buffer, the council will need to continue to approve planning applications to ensure a sufficient housing land supply can continue to be met at, and beyond, this date⁵."

Housing supply and the forthcoming Local Plan Review Examination in Public

- 7.24 There remains a requirement within the NPPF for Local Planning Authority's to identify a supply of specific, deliverable sites for five years following the intended date of the adoption of a Plan. It is acknowledged that the transitional arrangements provided by Annex 1 of the NPPF allow, in certain circumstances, for a housing requirement to be taken forward in an emerging Local Plan that is lower than the local housing need calculated by the standard method.
- 7.25 LRM Planning's analysis suggest that even when using the lower requirement established within Policy 2 of the emerging Local Plan (36,740 homes between 2020 and 2038/2,041 dwellings per annum), the Local Planning Authority would still not be able to identify a five-year supply of deliverable sites. As set out above, the analysis contained within Briefing Note 25-04 suggests that the Council can currently identify a five-year supply of 9,845 homes. This compares with a requirement as established in the Local Plan Review, with a 5% buffer, of 10,715 homes.

Housing delivery from the application site

- 7.26 A Statement of Common Ground has recently been agreed between the Applicant and the LPA concerning the application site and its allocation in the emerging Local Plan Review.
- 7.27 At Section 5 of that document, it was agreed that the site could make a meaningful contribution to the LPA's housing land supply position, with 135 of the proposed 295 homes predicted to come forward within the five year period to 2028/29. A further 50 homes are forecast to come forward in monitoring year 2029/30.

⁴ Para. 11, 20, 23, 35 and 69 of the NPPF.

⁵ Para. 11.

- 7.28 It is instructive to note that the Applicant's delivery programme has informed the housing trajectory in the Local Plan Review.
- 7.29 It is also noted that this delivery trajectory has been incorporated into the LPA's Five-Year Housing Supply Position and Trajectory Paper (3rd June 2025)⁶. It therefore remains the case that the site could make a meaningful contribution to the LPA's housing land supply position, with 185 of the proposed 295 homes predicted to come forward within the five-year period to 2029/30.

HOUSING AFFORDABILITY

- 7.30 Despite an average annual completion rate (2,105 homes per annum) that is comparable with the Core Strategy's annual average housing requirement (2,100 homes per annum), housing affordability in Wiltshire has worsened since 2006. Information published by the Office for National Statistics confirms that the median house price to median gross annual workplace-based earnings ratio in Wiltshire has worsened from 8.57 in 2006 to 8.80 in 2024. Consequently, the policy framework provided by the Core Strategy has resulted in a quantum of residential development that has not made it easier for residents to access housing; indeed, in Wiltshire, housing affordability and the housing crisis has worsened.

THE NEED FOR AFFORDABLE HOUSING

- 7.31 As set out within the Core Strategy Inspector's Report, evidence of the need for affordable housing within Wiltshire was set out in the 2011 Strategic Housing Market Assessment, undertaken by Fordham Research. The Strategic Housing Market Assessment concluded that the annual affordable housing need within Wiltshire was, at that time, approximately 1,360 dwellings. Over the 20 year plan period, this would have equated to 27,200 affordable homes, which would have been 65% of the overall minimum housing requirement.
- 7.32 The Core Strategy Inspector noted that, based on this evidence, that there was a ***"significant need for affordable housing. Indeed, the level of need appears so high that its delivery is not feasible based on historic completion rates for all housing or realistic projections."***
- 7.33 Given this conclusion, para. 6.42 of the Core Strategy confirms that the strategy would deliver approximately 13,000 affordable homes over the plan period (650 affordable homes per annum). Consequently, the level of affordable housing to be delivered by the Core Strategy was set at a level to meet under 48% of the identified affordable housing need (i.e. the needs of one in every two households in need of affordable housing would not be met by the Plan).
- 7.34 However, information provided to LRM Planning by the LPA has demonstrated that over the period 2009 to 2021, the average annual delivery rate of affordable housing has been 604 affordable dwellings per annum. This is an average annual completion rate that is 46 fewer affordable homes than was planned for in the Core Strategy. Cumulatively, over the same 15 year period, 691 fewer affordable homes have been provided than was planned for. Taken against the identified need for affordable housing identified in the 2011 Strategic Housing Market Assessment, the shortfall would be 11,341 affordable homes (gross).
- 7.35 The most up-to-date assessment of the need for affordable housing is provided within the Wiltshire Local Housing Needs Assessment Update (February 2023). It confirms that there remains a significant need for affordable housing within Wiltshire over the longer-term.

⁶ https://017f5bf8-ff4d-415b-be58-79dae2836c33.usrfiles.com/ugd/017f5b_1e4ac9b0b72a4018a00bd95299d7737d.pdf

THE NEED FOR ACCESSIBLE AND ADAPTABLE HOUSING

- 7.36 Figure 50 of the Wiltshire Local Housing Needs Assessment Update (February 2023) confirms that, as a minimum, there is a need for 13,607 accessible, adaptable and wheelchair user homes over the period 2020-2038.

THE EMERGING LOCAL PLAN REVIEW EVIDENCE BASE

- 7.37 As set out in Section 5, the application site is proposed for allocation within the emerging Local Plan Review. Its allocation is based on a detailed and robust evidence base. A summary of the key evidence base documents that have been used to justify the allocation are provided below:

- **Sustainability Appraisal** – the application site, additional land within the Applicant's ownership and further land to the north was assessed as part of a wider land parcel within the Sustainability Appraisal (Site 17). It was concluded that a number of major, moderate and minor positive effects would result from the site's development. The assessment work found that the development of Site 17 would have a greater number of benefits overall, when compared to other sites at Melksham, and fewer negative effects.
- **Planning for Melksham Background Paper** - Site 17 was assessed against the Place Shaping Priorities for Melksham to determine the degree to which it could contribute towards achieving the outcomes identified as being priorities for the settlement. As part of that process, Site 17 was found to be the joint second-best option for accommodating residential development and was found to result in a number of strengths/opportunities for Melksham's Place Shaping Priorities, including for town centre regeneration; reducing out-commuting; infrastructure; education; and green and blue infrastructure.
- **Site Landscape Appraisals** – the application site forms part of site ME17. It was found that the assessment site is located within an undesignated landscape and that it contains relatively ordinary components. The landscape was described as being simple, with few distinctive characteristics and limited scenic quality. The landscape features within the assessment site were found to be of a moderate condition, with hedgerows providing linking vegetation through an otherwise sparse landscape. It was considered that it had little sense of place. Overall, it was considered that the site is of a generally medium sensitivity to housing development and a generally medium capacity to accommodate development. A series of recommended mitigation measures was set out in the Report, which have been, where feasible, incorporated into the submitted scheme. The assessment concludes that ***“residential development with the proposed landscape mitigation on this site would have a minor adverse effect on the SA objective to conserve and enhance the character and quality of rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place.”***
- **Deliverability** - the application site principally consists of three separate Strategic Housing and Employment Land Availability Assessment (SHELAA) sites (refs: 3478, 3479 and 3742). The SHELAA concludes that all three parcels are suitable, available, achievable and deliverable for residential development. Moreover, each site was assessed as being developable in the short term. These parcels are all within the freehold ownership of the Applicant.

SUPPLEMENTARY PLANNING DOCUMENTS

The Wiltshire Design Guide (2024)

- 7.38 The Wiltshire Design Guide was adopted in March 2024. Its purpose, as a Supplementary Planning Document (SPD) is to provide a greater explanation of Core Policy 57 of the Core Strategy, which, as set out in Section 4 above, sets out policy expectations relating to the design of new development proposals.

- 7.39 The Wiltshire Design Guide states that new development should:

- Conduct a thorough context appraisal to inform design principles that reflect the surrounding area's characteristics.
- Consider the settlement's and site's identity and set out how this analysis has informed the proposed development.
- Leverage existing landforms to minimise environmental impacts.
- Adhere to existing street patterns. Perimeter blocks are encouraged, with rear gardens providing privacy and security. A minimum back-to-back of 20 metres is recommended, although this can be adjustable based on design context.
- Integrate key community facilities, such as nurseries and open spaces, into designs to foster social interaction and combat isolation.
- Prioritise compact housing designs.
- Provide new back garden sizes that comfortably serve the typical needs of those that will use them, but extensive private gardens may lead to low site densities and the inefficient use of land, especially where public open space is provided on site.
- In areas with a strong, positive visual identity, the architectural and landscape detailing within new development will generally be expected to match or complement the existing detailing. Windows and doors should be designed to provide a well-composed façade, which enhances the building.
- Ensure that the colour of materials should be considered at all scales. Superior materials should be used where they will have most public appreciation and visual impact.
- Align new movement routes with existing desire lines to enhance pedestrian and cyclist connectivity to essential facilities. The routes should benefit from natural surveillance, as well as being well lit.
- That the location of street trees should be considered at the early stage of the design process.
- Provide street hierarchies that are clearly defined including in terms of the appearance of buildings and landscaping.
- That layouts should consider the street widths for buses, in conjunction with cycle routes and tree-lined footways.
- Ensure car and cycle parking should be provided in the manner set out within the Wiltshire Local Transport Plan. On-plot parking should incorporate landscaping and electric vehicle charging points.
- Enhance green and blue infrastructure, including new tree planting, such as regular street tree planting and multifunctional open spaces that support biodiversity.
- Follow the 4 pillars of SuDS.
- Incorporate bat roosts, bird bricks, and hedgehog highways to promote local wildlife.
- Provide adequate open space with diverse recreational options.
- Encourage high levels of natural surveillance through active building frontages and strategic positioning.
- Ensure new Homes comply with the Nationally Described Space Standards.
- Provide a suitable internal and external noise environment.
- Apply the principles of the energy hierarchy, with a fabric first approach, before looking at low carbon technologies to heat and power a home.
- Maintain ongoing management of open spaces over the long-term.
- Engage local residents in the development process to foster a sense of ownership and belonging.

As set out in the Design and Access Statement, these are considerations which have informed the proposed development.

OTHER GUIDANCE

7.40 The following Section provides a summary of other guidance relevant to this planning application, which is neither a Development Plan Document, nor a Supplementary Planning Document. These documents include:

- Wiltshire Council's Interim Position Statement on First Homes (June 2022);
- the draft Melksham Design Guide (July 2023); and
- Wiltshire Local Transport Plan 2011- 2026.

Wiltshire Council's Interim Position Statement on First Homes

7.41 The Interim Position Statement concerning First Homes was published in June 2022. Its purpose is to set out the LPA's interim approach to the implementation of the Government's First Homes policy, prior to the adoption of the Local Plan Review. Para. 14 of the Statement confirms that in advance of the adoption of the Local Plan Review, the First Homes policy will be applied as a material planning consideration.

- Para. 18 confirms that the main requirements for all major developments incorporating First Homes will be:
- A minimum of 25% of affordable housing units should be First Homes. This will be as a proportion of the affordable housing requirement.
- The First Homes should be physically indistinguishable from market homes in terms of their quality and size.
- The First Homes units should be discounted by a minimum of 30% against market values. The discount should remain in perpetuity and be secured through a planning obligation.
- The first sale price, after the application of the discount, should not be more than £250,000.
- The units must be sold to first-time buyers with a combined household income of less than £80,000.
- The units must be advertised and made exclusively available for the first three months for people meeting the Council's local connection criteria.
- Other than in exceptional circumstances, First Homes should be provided on site.
- The following tenure split will be sought in the interim period, prior to the adoption of the Local Plan Review:
 - Affordable Rent: 60%;
 - First Homes: 25%; and
 - Shared Ownership: 15%.
- A mix of 1, 2 and 3 bed homes will reflect needs and sit within the First Homes price cap. The indicative First Homes mix is proposed to be:
 - 1 bed flats: 15%;
 - 2 bed flats: 15%;
 - 2 bed houses: 50%;
 - 3 bed houses: 20%; and
 - 4 bed houses: need will depend on the location.

- Notwithstanding the above, there is acknowledgement that the First Homes mix for a site should be adjusted to take account of local circumstances.

The Melksham Design Guide

7.42 The draft Melksham Design Guide offers design principles that any development within the Neighbourhood Plan Area should follow and adopt. The Guide establishes a set of design principles that reflect the local character of the area and ensure that any design proposal within the Neighbourhood Plan Area contributes to a distinctive place with a high-quality standard of design.

7.43 The draft Melksham Design Guide states that new development should:

- Have a good understanding of the existing character areas within the Neighbourhood Plan Area and ensure that new development is rooted in the local context.
- Have a good understanding of existing topography in the surrounding environs.
- Respect the historic environment.
- Seek to retain existing green assets, whilst also proposing new green infrastructure.
- Enhance connections.
- Locate development in green buffers and SuDS.
- Include a mixture of linear, perimeter block and cul-de-sac development typologies (although the latter should be kept to a minimum and connected via a footway).
- Demonstrate a good understanding of building styles, setbacks, orientations and enclosures that can be found in the area.
- Optimise the benefits of daylight.
- Preserve views towards the countryside and create both short and longer-distance views.
- Consider placing key buildings at corners or crossroads.
- New community facilities should be well connected and encourage active modes of travel.
- Reflect the architectural styles of existing structures, improve civic pride and connectivity through footpaths whilst also promoting sustainable transport options.
- Focus on pedestrian infrastructure by providing direct footpaths, safe lighting and adequate cycle parking. A green network of routes should connect key destinations, with pathways at least 2 metres wide in residential areas.
- Prioritise pedestrians and cyclists through traffic calming measures. A variety of street types and integrated sustainable drainage solutions should be used to create a street design that reflects local character.
- Integrate parking into the landscape through the use of soft landscaping and porous materials. Electric vehicle charging points should be included and garages should be designed to complement the streetscape.
- Effectively incorporate waste storage solutions that are easily accessible and aesthetic. Bin storage and cycle storage can be combined.
- Provide recreational areas, seating, and street planting, featuring native species to enhance biodiversity and visual interest.
- Facilitate wildlife movement, creating a sustainable green network that supports local ecosystems.
- Design SuDS that enhance biodiversity while managing water effectively, providing dual-use benefits in both landscaping and infrastructure.

- Offer adaptability, wheelchair accessibility, and efficient thermal regulation through thoughtful design and materials reuse.
- Maintain visual harmony with the existing environment. Attention must be paid to building heights and densities, with urban areas capped at 2-3 stories and rural areas typically at 1-2 stories.
- Use lighting to enhance safety without contributing to light pollution. Energy-efficient solutions, including downward-directed fixtures and motion sensors, are recommended to protect dark skies.

The Wiltshire Local Transport Plan 2011-2026

7.44 Whilst not forming part of the Development Plan, the Wiltshire Local Transport Plan 3, which runs from April 2011 to March 2026, provides guidance that is relevant for this planning application, particularly in relation to vehicle and bicycle parking.

Car Parking Strategy

7.45 Section 7 of the Car Parking Strategy section of the Local Transport Plan establishes the following minimum residential parking standards:

- one bedroom homes – one space;
- two to three bedroom homes – two spaces;
- four+ bedroom homes – three spaces; and
- visitor parking – 0.2 spaces per dwelling (unallocated).

7.46 Garages can count as part of the allocated parking where they are at least 6m x 3m (internal dimensions). This allows for a car to be parked, storage and space for bicycle parking.

Cycling Strategy

7.47 The Cycling Strategy sets out the following cycling parking requirements for new homes:

- one covered space per bedroom for up to three dwellings;
- three covered spaces per unit for four bedroom dwellings;
- four covered spaces per unit for five bedroom dwellings; and
- one visitor space per 20 bedrooms.

SUMMARY

7.48 Planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. There are a number of material considerations which suggest that the policies within the Development Plan that are most important for determining this application are out-of-date and the presumption in favour of sustainable development is applicable for the determination of this planning application. The implications of this conclusion are considered in Section 8.

7.49 Other documents have been identified which are material to the consideration of this planning application that relate to the Local Planning and Highways Authorities' and the Town and Parish Council's expectations on design.

8 The planning assessment

- 8.1 This section of the Planning Statement provides the justification for the proposals and the submission of an application at this time. It includes an analysis of the key planning issues and provides an assessment of the scheme's conformity with existing and emerging Development Plan policy. It concludes that whilst the scheme results in a number of minor and limited conflicts with the existing Development Plan, there are strong material considerations that should be afforded significant weight in the planning balance. These material considerations include the policies that are most important for determining the application being out-of-date and the site's proposed allocation in the emerging Local Plan Review. Against this context, it is considered that there are no adverse effects that would significantly and demonstrably outweigh the significant benefits resulting from the development.

PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 8.2 Section 7 confirmed that the policies that are most important for determining this planning application are out-of-date for the following reasons:
- The allocations and settlement limits contained within the Development Plan result from an evidence base that is significantly dated and does not reflect existing and longer-term needs. Indeed, at Melksham, a significant amount of development has already occurred beyond the settlement limits as defined by the Development Plan. Consequently, the defined settlement limits within the existing Development Plan do not reflect Melksham's current settlement limits 'on the ground.'
 - The most up to date position, demonstrates that Wiltshire Council is only able to demonstrate a 2.42 year housing land supply, which is below the minimum required by para. 77 of the NPPF.
 - Monitoring evidence published by Wiltshire Council has indicated that the Core Strategy will fail to meet its housing requirement for the LPA area and for the North and West Wiltshire Housing Market Area over the Plan period, within which Melksham (and the subject site) is located.
- 8.3 Accordingly, it is considered that para. 11(d) of the NPPF is engaged (the presumption in favour of sustainable development/the tilted balance). As such, planning permission should be granted unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear 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 the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable housing.
- 8.4 Footnote 7 of the NPPF lists a number of policies that are relevant to the application of para. 11(d)(i). Relevant to the application site, they include habitat sites, irreplaceable habitats, designated heritage assets and areas at risk of flooding. However, the application of policies within the NPPF would suggest that these matters would not provide a determinative reason for refusing the application. Accordingly, only part (ii) of para. 11 (d) of the NPPF is applicable.
- 8.5 The application site is located at a Market Town, which has been identified in the existing and emerging Development Plan as being a sustainable location to accommodate development, makes effective use of land, will result in a well-designed place and provides a level of affordable housing that exceeds current Development Plan policy.

Policies that are most important for determining the application

- 8.6 The policies that are considered to be the most important for determining this planning application are:
- Wiltshire Core Strategy: Policies CP1, CP2 and CP15; and
 - Melksham Neighbourhood Plan: Policy 6.
- 8.7 The application of the presumption in favour of sustainable development does not mean that there is a need to completely disregard the policies that are most important for determining this planning application, and instead, the weight to be attributable to them will be a planning judgment for the decision maker, having regard to a range of considerations, which could include:
- the extent of the shortfall;
 - the contribution that the development could make to help address the shortfall;
 - the action being taken by the LPA to address it; and
 - the purpose of the policy.
- 8.8 Each is considered in turn below.

The extent of the shortfall

- 8.9 As set out in Section 7 above, the LPA has a demonstrable housing land supply of 2.42 years. The analysis shows that the shortfall is currently some 9,561 below where it should be.
- 8.10 Moreover, the analysis presented in Section 7 also demonstrates that the LPA are predicting that the overall minimum housing requirement and the minimum housing requirement for the North and West Wiltshire Housing Market Area, within which Melksham is located, as outlined within the Core Strategy, will not be met. The shortfall is predicted to be 707 dwellings across Wiltshire (i.e. just over a third of a year's requirement) and 706 dwellings in the Housing Market Area (just under seven months' worth of supply at that geographic level).
- 8.11 Consequently, the shortfall is considered to be significant and as stated in LPA Briefing Note 24-20, will inevitably mean that a greater weight should be afforded to the housing proposed within the application at the present time.

The contribution that the development could make to help address the shortfall

- 8.12 As set out in Section 7, through the emerging Local Plan process, the LPA have agreed that the application site could make a meaningful contribution to housing land supply over the next five years.

Actions being taken by the Local Planning Authority

- 8.13 At present, the actions being taken by the LPA relate to both the development management and Development Plan processes, as follows:
- **Development management** – the LPA acknowledge that the current housing land supply position and has supported Appeals being allowed⁷, even where the LPA has historically considered that the proposals conflict with the Development Plan. Moreover, they have also resolved to approve applications made on allocations made within the emerging Local Plan, such as application PL/2023/11188 (Land at Blackmore Far, Melksham); and
 - **Development Plan process** – the LPA submitted its Local Plan for Examination at the end of November 2024.

⁷ Appeals APP/Y3940/W/24/3343787, APP/Y3940/W/24/3338217 and APP/Y3940/W/24/3344456.

8.14 The actions being taken by the LPA to address the housing land supply shortfall are clearly applicable to this application, as they were also for application PL/2023/11188. Consequently, in the established context of the need to urgently increase the supply of housing land, this application proposes development in a location where the LPA anticipate residential development within the short and medium terms.

The purpose of the policy

8.15 This is considered on a policy-by-policy basis below.

Melksham Neighbourhood Plan 2

8.16 The Melksham Neighbourhood Plan 2 was made in Summer 2025. However, para. 14 of the NPPF is not engaged in this instance. It is important to note that:

- the Neighbourhood Plan confirms that whilst the Local Plan Review is ongoing (which includes the allocation of the majority of the application site), the emerging Local Plan “sets the context for looking ahead to 2038 and development in and around Melksham” (para. 1.2.4);
- as such, the Neighbourhood Plan continues to advocate a plan-led approach to development, which “links into the Local Plan review process and the emerging policies of the draft Local Plan” (ibid);
- the Neighbourhood Plan relies upon the allocations within the emerging plan and is complimentary to them indeed para 2.5.1 of the Neighbourhood Plan states:

“Wiltshire Council’s emerging Local Plan sets out how many homes are required looking ahead to 2038. Draft housing site allocations are included in the emerging Local Plan to the north-east and south-east of Melksham. These allocations meet the majority of the housing requirements (and employment requirements) for Melksham.”

8.17 The relationship between the Neighbourhood Plan and the Local Plan Review is also acknowledged within the Neighbourhood Plan Examiner’s Report, wherein the Examiner confirms that the Neighbourhood Plan has been prepared in the context of the up-to-date development plan context outlined in the emerging Local Plan (paras. 5.7, 5.8, 6.17, and 6.21). Indeed, at para. 1.5 the Inspector confirms that “the submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan and to the emerging Local Plan.”

8.18 Consequently, as the Neighbourhood Plan is complementary to the emerging Local Plan, which as stated at para 2.5.1 of the Plan, identifies the majority of the application site for development, there is no conflict between the Neighbourhood Plan and this application. As no conflict occurs, para. 14 of the NPPF would continue to not be engaged.

8.19 As such, the applicant considers that the presumption in favour of sustainable development is currently engaged.

PRINCIPLE OF DEVELOPMENT

Settlement strategy

8.20 Para. 4.6 of the Core Strategy confirms that the settlement strategy outlined in Core Policy 1 identifies four tiers of settlements, which have been formed through having an understanding of their role and function and how they interact with their surrounding environs. The Principal Settlements, which include Chippenham, Trowbridge and Salisbury, sit at the top of the hierarchy, and are followed by the Market Towns, which include Melksham. Local Service Centres and Large and Small Villages sit at the third and fourth tier of the settlement hierarchy.

8.21 The Policy confirms that the Market Towns “**have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment**”

opportunities.” Moreover, they are also considered to have **“...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.”**

- 8.22 Melksham’s status as a Market Town is also reiterated in Core Policy 15.
- 8.23 Melksham’s role in the emerging Local Plan Review is also unchanged. Policy 1 of the Regulation 19 Local Plan Review continues to define Melksham as being a Market Town. Within Policy 1, the LPA continues to acknowledge that such locations have the ability to accommodate sustainable patterns of living, which is due to their levels of facilities, services and employment opportunities. They are intended to continue to be a focus for development, with Policy 1 stating that Market Towns have 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.”**
- 8.24 Given the above, it is considered that the proposed development, which will result in development being located at a sustainable, Market Town, where significant residential development is anticipated, is entirely consistent with the settlement strategy as identified in the Core Strategy and the emerging Local Plan. Indeed, as set out at para. 3.5 of the Core Strategy, such an approach, which focuses new residential development, in the first instance, at the main settlements, including Melksham, where there is the greatest quantum of services, facilities, employment opportunities and public transport provision, will ensure a greater self-containment and a reduction in the need to travel by the private vehicle, as outlined in test A(i) of Policy 4 of the emerging Local Plan. In turn, this will, as stated at para. 109 of the NPPF, reduce congestion and emissions and improve air quality and public health.
- 8.25 Whilst, as identified above, Core Policy 1 is identified as one of the suite of existing Development Plan policies that is most important for determining this application, and is therefore out-of-date, it is instructive to note that the application is, as concluded above, consistent with the Policy. Consequently, there is no need to consider the weight to be attributed to the Policy in this context. For the reasons set out above, the Policy provides a useful framework to ensure sustainable patterns of development. Furthermore, the analysis confirms that, in the terms of para. 11(d)(ii) of the NPPF, that the development is proposed in a sustainable location.

Delivery strategy – minimum housing requirement for Wiltshire and the HMA

- 8.26 Core Policy 2 of the Core Strategy is divided into two elements. This Section concerns only the first aspect of the Policy, which relates to the distribution of the minimum housing requirement.
- 8.27 The Policy confirms that at least 42,000 new homes will be constructed in Wiltshire, of which a minimum of 24,740 new homes would be within the North and West Wiltshire HMA, in the period up to 2026. Importantly, whilst an indicative housing requirement is provided for Melksham within the Policy’s supporting text, it is not included within Core Policy 2.
- 8.28 As indicated in Section 7, the Council’s latest housing monitoring information suggests that both the overall minimum housing requirement and the minimum housing requirement for the North and West Wiltshire HMA will not be met by the end of the plan period. The development of the application site could therefore help to address this identified shortfall.
- 8.29 In any event, the Core Strategy’s housing requirement only covers a period that has less than one full monitoring years remaining. A more up-to-date understanding of the likely housing requirement over the longer-term is contained within Policy 2 of the Regulation 19 version of the Local Plan Review, which suggests that there is a need for approximately 36,740 homes over the period 2020 to 2038 within Wiltshire. Of this requirement, Table 4.1 confirms that 13,625 dwellings are to be provided within the Chippenham HMA.

- 8.30 Whilst the application of para. 49 of the NPPF would suggest that only limited weight should be afforded to the emerging Local Plan, it is instructive to note that the application site is identified as a housing allocation within it. It is therefore anticipated to help to meet housing needs in the longer term.
- 8.31 As such, it is considered that the application accords with the first part of Core Policy 2 of the Core Strategy and Policy 2 of the emerging Local Plan. Consequently, in terms of Core Policy 2, there is no need to consider the purpose of the Policy, the weight that should be afforded to it and any resultant conflict.

Delivery Strategy – housing requirement at Melksham

- 8.32 As stated above, whilst set out in its supporting text, an indicative housing requirement is not contained within Core Policy 2 of the Core Strategy for Melksham. Instead, it is provided within Core Policy 15 (Melksham Community Area), whereat it is suggested that over the period 2006 to 2026, approximately 2,370 new homes should be delivered within the Melksham Community Area, of which 2,240 new homes will be focused at Melksham.
- 8.33 It is acknowledged that the Council's latest Housing Land Supply Statement (June 2024) identifies at Appendix 6 that a greater number of completions have occurred at Melksham than the indicative housing requirement. However, it is not considered that further housing growth that would be in excess of the indicative housing requirement for Melksham would result in a conflict with Core Policy 15 for the following reasons:
- the requirement is set within an overall housing requirement that is expressed as a minimum. In this context, the settlement's housing requirement cannot be seen as being the maximum quantum of housing that was to be provided at Melksham;
 - the supporting text to Core Policy 2 confirms that the housing market areas form the most appropriate scale for the disaggregation of the housing requirement across Wiltshire. Whilst an indicative housing requirement is provided at the Community Area and settlement levels, the supporting text to Core Policy 2 confirms that they were intended to allow for a flexible approach and were not to be applied in a rigid manner which **"might otherwise prevent sustainable development proposals that can contribute to maintaining a deliverable five year housing land supply and delivering the strategic objectives of the plan"** (para. 4.33). Indeed, there is recognition that there was a need to ensure that delivery is **"broadly in line with the strategy"** and that whilst it would be inappropriate for a settlement to accommodate the entire requirements of another settlement, it could be appropriate for **"some of"** a settlement's requirement to be met elsewhere (para. 4.34);
 - even when accounting for both completions, deliverable commitments and the homes proposed in this application, there would still be a significant gap between housing delivery at Melksham over the plan period and the indicative requirement for Chippenham, which is the principal settlement within the HMA; and
 - the minimum indicative housing requirement for Melksham only covers the period up to 2026, and therefore has less than two monitoring periods left (two monitoring years from the base date of the latest Housing Land Supply Statement). As agreed with the LPA in a Statement of Common Ground, the majority of development envisaged from the application site will occur in the period post 2026.
- 8.34 Even in the event that a conflict with Core Policy 15 is identified for this reason, there are other material considerations that should be weighed against it, as follows:
- for the reasons set out in Section 7 and above, the policies that relate to the supply of housing, including Core Policy 15 are considered to be out-of-date. There is an urgent need to increase the supply of housing in Wiltshire, including within the North and West Wiltshire HMA, in order to meet the short, medium and longer-term need for housing within the area. Less weight should therefore be afforded to any perceived conflict than would ordinarily be the case; and

- the longer-term housing requirements are established in the Regulation 19 version of the Local Plan, which identifies the application site as being a key component of supply to meet Melksham's housing needs.

Delivery Strategy – settlement limits

- 8.35 The second element of Core Policy 2 of the Core Strategy confirms that whilst there will be a presumption in favour of sustainable development within the defined settlement limits, other than in the circumstances allowed for at para. 4.25 of the Plan, development outside the defined settlement limits will be resisted. This is reinforced in Core Policy 15, which states that growth in the Melksham Community Area over the plan period should consist of sites in accordance with Core Policies 1 and 2. In addition, Policy 6 of the Melksham Neighbourhood Plan also states that development should not be permitted outside the defined settlement boundary for Melksham, other than in the circumstances permitted by policies within the Core Strategy.
- 8.36 It is acknowledged that the proposed development is not a form of development listed at para. 4.25 of the Plan and therefore a conflict with the second element of Core Policy 2 exists. By virtue of this conflict, conflicts also exist with Core Policy 15 and Policy 6 of the Melksham Neighbourhood Plan, which, in effect, cross refer to Core Policy 2.
- 8.37 However, as indicated in Section 7 and above, Core Strategy Policies 2 and 15, and Policy 6 of the Melksham Neighbourhood Plan, have been found to be policies that are amongst the most important for determining this application and are therefore out-of-date. Consequently, any harm resulting from these conflicts should, in these circumstances, be afforded limited weight in the planning balance, particularly as: (1) the settlement limits were formed in a manner to meet needs in the period up to 2026 (i.e. less than two monitoring years left); (2) the LPA have forecast that the housing requirement for the LPA and the HMA will not be met over that period; and (3) one action that the LPA have adopted in order to increase supply is to grant permissions outside existing settlement limits.
- 8.38 In addition, through the preparation of the emerging Local Plan Review, it has been acknowledged that in order to meet the settlement's longer term housing needs it will be necessary to develop in locations that are currently located beyond the existing settlement boundaries. The application site has, after a detailed assessment process, been identified as an allocation to meet longer term housing needs.
- 8.39 Moreover, the same conflict was identified during the consideration of Appeal APP/Y3940/W/24/3340811. At para. 23 of the Appeal Decision, the Inspector concluded that:
- “There is some conflict between the Council's spatial strategy and Paragraph 180 of the Framework, which recognises the intrinsic character and beauty of the countryside but does not set out an in-principle objection to the provision of housing in countryside locations. This was agreed by the Council under cross-examination. This reduces the weight I attach to the conflict with the spatial strategy that I have identified above.”***
- 8.40 Consequently, for the reasons set out above, whilst there is a conflict between the application, the second element of Core Policy 2 and Core Policy 15 of the Core Strategy and Policy 6 of the Melksham Neighbourhood Plan, this conflict should, for the reasons set out above, be afforded less weight than ordinarily would be the case.

Melksham Community Network

- 8.41 Core Policy 15 confirms that new development proposals will need to demonstrate how the relevant issues and considerations listed in para. 5.83 of the Plan have been addressed.

- 8.42 In addition, a revised set of place shaping priorities have been formed for Melksham. These were used to inform the emerging Local Plan Review. In the main, these place shaping priorities have been incorporated into the first part of emerging Policy 17 of the Local Plan Review.
- 8.43 It is instructive to note that, as set out within the 'Planning for Melksham' background paper (September 2023), when deciding which sites to take forward as allocations within the Local Plan Review, the LPA assessed all options against these revised place shaping priorities. The application site was assessed as part of a wider land parcel, which included additional land owned by the Applicant and further land to the north. It was concluded that the development of the wider land parcel provided a strong alignment with the place shaping priorities and was the joint second best option for accommodating residential development at Melksham. As the application has been formed in a manner that responds to Policy 20 of the emerging Local Plan Review, it can be concluded that by definition, the proposed development must also provide an appropriate response to the settlement's new place shaping priorities.

Proposed site allocation

- 8.44 As stated previously, the application site is proposed for allocation at Policy 20 of the Regulation 19 version of the Local Plan Review, for approximately 285 dwellings and 0.4ha of land for a 100-place nursery. As set out in Section 5 of this Planning Statement, the application site is proposed for allocation at Policy 20 of the Regulation 19 version of the Local Plan Review, for approximately 285 dwellings and 0.4ha of land for a 100-place nursery.
- 8.45 The Local Plan is currently at Examination stage, which will increase the weight that can be placed on the emerging Local Plan in the decision-making process. Its allocation follows an extensive technical assessment process undertaken by the LPA, which confirmed that it was one of the most appropriate locations to accommodate residential development at Melksham. In the context of the urgent need to increase the supply of housing within Wiltshire and within the North and West Wiltshire HMA, the positive determination of this application would ensure that development occurs in a location that is supported by the LPA.
- 8.46 As demonstrated in Table 3 below, the application has been formed in a manner that ensures that it fully complies with the expectations of emerging Policy 20 of the Local Plan Review.

TABLE 3: A COMPARISON WITH THE POLICY EXPECTATIONS OF POLICY 20 OF THE EMERGING LOCAL PLAN REVIEW AND THE LAND USES PROPOSED WITHIN THIS APPLICATION

POLICY EXPECTATION	EMERGING POLICY 20 REQUIREMENT	APPLICATION PROPOSALS
Housing	Approximately 285 dwellings	Approximately 295 dwellings
100-place nursery	0.4ha	0.4ha of land identified for a 100-place nursery.
Principal vehicular access	From the existing roundabout on the A3102	From an improved roundabout on the A3102

- 8.47 A summary of each of the land uses and, where necessary, a justification for any deviation away from the policy position as outlined in emerging Policy 20 of the Local Plan Review, is provided below.

Housing

- 8.48 The illustrative layout is based on the provision of 295 homes. This is consistent with the emerging policy requirement of 'approximately 285 dwellings,' as established by Policy 20 of the Local Plan Review (it is only a 3.5% increase over the approximate figure). As has been indicated above, the housing provision from the application site will provide a valuable source of housing land to meet the identified shortfall in housing over the short term, whilst also providing housing in a manner that is envisaged in the Local Plan Review. It will also help to boost the supply of housing as advocated by para. 60 of the NPPF. The modestly higher level of housing provision also results from the requirement to respond to the identified housing need, which includes smaller First Homes, whilst also ensuring that the site is used efficiently. It provides an appropriate response to test A(ii) of Policy 4 of the emerging Local Plan.
- 8.49 Whilst Core Policy 43 requires a minimum of 30% of the proposed development to be affordable housing, the Applicant has committed to providing 40% affordable housing on-site. This quantum of affordable housing accords with the emerging policy framework provided within Policy 76 of the Local Plan Review and Policy 6 of the Neighbourhood Plan. The provision is made with nil public subsidy.
- 8.50 Of the 295 homes shown on the illustrative layout, the development it is proposed that:
- 40% will be affordable housing, which will be made with nil public subsidy;
 - the tenure split is proposed to be 64% affordable rent, 13% shared ownership and 23% first homes. This is 100% but slightly deviates from the emerging requirement due to rounding;
 - 5% of the new homes proposed being custom build housing;
 - all the proposed homes being designed to meet the minimum space standards as outlined in the Nationally Derived Space Standards (NDSS); and
 - 84% of homes being designed to meet Building Regulations M4(2) standards, with a further 7% of units meeting M4(3) standards.
- 8.51 As has been indicated above, the housing provision from the application site will provide a valuable source of housing land to meet the identified shortfall in housing over the short term, whilst also providing housing in a manner that is envisaged in the Local Plan Review. It will also help to boost the supply of housing as advocated by para. 60 of the NPPF. The modestly higher level of housing provision also results from the requirement to respond to the identified housing need, which includes smaller First Homes, whilst also ensuring that the site is used efficiently. It provides an appropriate response to test A(ii) of Policy 4 of the emerging Local Plan.
- 8.52 Whilst Core Policy 43 requires a minimum of 30% of the proposed development to be affordable housing, the Applicant has committed to providing 40% affordable housing on-site. This quantum of affordable housing accords with the emerging policy framework provided within Policy 76 of the Local Plan Review and Policy 6 of the Neighbourhood Plan. The provision is made with nil public subsidy.
- 8.53 Similarly, the affordable housing tenure mix proposed within the application also substantially accords with emerging Policy 76 of the Local Plan Review.
- 8.54 It is acknowledged that this tenure mix modestly deviates away from the tenure mix outlined in the Interim Position Statement on First Homes, but as indicated in the Affordable Housing Statement, the application benefits from the First Homes transitional arrangements and therefore the tenure mix included within the Interim Position Statement is not applicable in this case. However, the developer has provided First Homes as a planning benefit. Moreover, it is noted that in terms of quantum, the affordable housing provision for each tenure exceeds expectations if the current Development Plan policy requirement were applied (30%). In line with the expectations of Core Policy 43 of the Core Strategy and Policy 76 of the emerging Local Plan Review, the affordable

housing has been distributed across the application site in small clusters and has been designed to be visually indistinguishable from the open market provision.

- 8.55 Further information is provided within the accompanying Affordable Housing Statement.
- 8.56 In accordance with Policy 80 of the emerging Local Plan Review, 5% of the total number of new homes proposed will be custom build housing. In accordance with Policy 80 of the emerging Local Plan Review, the Heads of Terms also proposes that the Section 106 Legal Agreement will include provisions for ensuring that the custom-build housing provision is appropriately marketed for a period of not less than 12 months, after which it will be made available for open market housing.
- 8.57 In terms of housing standards, other than the first floor maisonettes, all the proposed housing will be designed to meet the NDSS and M4(2) standards, whilst 7% of homes will be constructed to building regulation Category M4(3) standards. The housing standards incorporated into the proposal therefore accord with Policy 46 of the Core Strategy. It also accords with Policy 78 of the emerging Local Plan Review and Policy 6 of the Melksham Neighbourhood Plan.
- 8.58 The illustrative housing mix proposed in the application is considered to be appropriate for the area and responds to the needs identified in the evidence base underpinning the Melksham Neighbourhood Plan, as set out in Policy 6 of the Neighbourhood Plan. Consequently, it is considered that the proposed mix also accords with Core Policy 45 of the Core Strategy and Policy 78 of the emerging Local Plan Review.

Nursery land

- 8.59 The illustrative layout shows 0.4ha of land for a 100 place nursery, which accords with the requirement established in emerging Policy 20 of the Local Plan Review.
- 8.60 As set out within the Heads of Terms, this area of the wider site will be provided with services up to its boundary. The land will be the subject of a marketing exercise, which will be informed by a marketing and pricing strategy, which will be agreed with the LPA in advance.

Public open space

- 8.61 In total the application provides 4.65ha of public open space provision. This is based on the illustrative layout and equates to approximately 6.7ha of public open space provision per 1,000 residents, or 67sq.m of public open space provision per resident, calculated on the basis of a residential occupancy of 2.36 persons, per home. It is just over two and half times in excess of the requirements set out in the West Wiltshire and Leisure Development Plan Document (25.88 sq.m per person for all types of open space, including those that are more suited to off-site provision, including bowling greens, sports pitches, sports halls and swimming pools). It is also significantly over the emerging open space requirements referred to in the emerging Local Plan Review, as set out in the 2020 Open Space Assessment.
- 8.62 This significant over provision of public open space will help to promote social wellbeing and better health outcomes. In doing so, it will help achieve the spatial vision, the objective of planning for strong and healthy communities and the policy outcomes of Policy 83 of the emerging Local Plan. It also strongly aligns with the social objective and para. 96(c) of the NPPF.
- 8.63 Having regard to the typologies referred to in Table 2 of the West Wiltshire and Leisure Development Plan Document, the proposed development includes allotments, play space, multi-functional green space and urban parks. An assessment of the quantum of open space proposed within the development against the policy requirements for each typology is set out below.

TABLE 4: AN INDICATIVE COMPARISON BETWEEN THE WEST WILTSHIRE LEISURE AND RECREATION PUBLIC OPEN SPACE TYPOLOGY POLICY REQUIREMENTS FOR THE DEVELOPMENT AND THE ON-SITE PROVISION BASED ON AN OCCUPANCY RATE OF 2.36 PERSONS, PER HOME (BASED ON ILLUSTRATIVE LAYOUT)

TYPOLGY	QUANTITY STANDARD (SQ.M PER PERSON)	DEVELOPMENT REQUIREMENT (SQ.M)	ON SITE PROVISION (SQ.M)	SURPLUS/DEFICIT (SQ.M)
Allotments	1.5	1,044	1,700	656
Equipped play and teen facilities	0.75	522	1,700	1,178
Multi-functional greenspaces	12	8,352	35,300	26,948
Urban parks	1.3	905	7,800	6,895
Total	15.55	10,823	46,500	35,677

8.64 As demonstrated in Table 4 above, the proposed development provides an adequate quantum of public open space provision for each of the typologies proposed to be accommodated on the application site, with surplus capacity. As confirmed in the accompanying Heads of Terms, the applicant proposes to make a financial contribution to the off-site provision of sports facilities. Consequently, it is therefore considered that the proposed development accords with the requirements set out in the West Wiltshire and Leisure Development Plan Document, as well as tests (ii) and (iii) of Core Policy 52 of the Core Strategy.

8.65 Notwithstanding the above, the proposals have, in the main, been prepared in a manner that responds to the emerging requirements as set out in the 2020 Open Space Assessment, which are referred to in the supporting text to Policy 84 of the emerging Local Plan Review. A comparison between the public open space requirements for the proposed development as set out within the 2020 Open Space Assessment (i.e. the emerging requirements) and the provision made in the application is set out below.

TABLE 5: A COMPARISON BETWEEN THE 2020 WILTSHIRE OPEN SPACE ASSESSMENT REQUIREMENTS FOR THE DEVELOPMENT AND THE ON-SITE PROVISION BASED ON AN OCCUPANCY RATE OF 2.36 PERSONS, PER HOME

TYPOLGY	QUANTITY STANDARD (HA/1000 RESIDENTS)	DEVELOPMENT REQUIREMENT (HA)	ON SITE PROVISION (HA)	SURPLUS/DEFICIT (HA)
Allotments	0.25	0.17	0.17	0
Amenity green space	0.9	0.6264	2.2	1.57
Parks and recreation grounds	1.1	0.7656	0.78	0.014

Play space (children and youth)	0.55	0.3828	0.17	-0.2128
Natural green space	1.8	1.2528	1.27	0.0172
TOTAL	4.6	3.2016	4.65	1.45

- 8.66 The analysis presented in the table above shows that the proposed public open space provision meets the emerging requirements established within the 2020 Wiltshire Open Space Assessment for all typologies aside from play space (children and youth). However, as the standards are not specifically referred to within emerging Policy 84 of the Local Plan Review, there is no resultant conflict between the application and the emerging Development Plan context.
- 8.67 Even in the event that it was concluded that there was a resultant conflict, then the conflict should, at the present time, be afforded very limited weight within the decision-making process, as the emerging standards have yet to be tested at Examination. The applicant is aware that a number of objections have been raised through the Regulation 19 consultation regarding the emerging standards.
- 8.68 The emerging standards suggests that, based on a resident population of 696 persons, there would be the need to provide 0.3828ha/3,828sq.m of play space. This is a quantum of play provision that equates to 9.5 LEAPs or over 3.8 neighbourhood equipped areas of play (NEAPs) or multi-use games areas (MUGAs) and is significantly higher than a number of other strategic developments being brought forward in the Region, including:
- Broadmoor Farm/Treledan, Saltash, Cornwall, where 0.215ha/2,150 sq.m of play space is required to serve the 1,000 home urban extension;
 - Vearse Farm, Bridport, Dorset, where 0.28ha/2,800sq.m of play space is required to serve the 760 home urban extension; and
 - Treasbeare Farm Cranbrook, East Devon, where 0.2432ha/2,432sq.m of play space is required to serve the 1,035 home urban extension.
- 8.69 It is therefore considered that the emerging play standards are disproportionate.
- 8.70 Moreover, and as identified below, the Applicant is also required to accord with the design principles shown on Figure 4.14 of the emerging Local Plan. The concept plan only shows the need to provide one children's play area. It is instructive to note that as confirmed in the concept plan's explanatory text, the assessment of open space undertaken to inform the concept plan utilised the existing public open space standards and not the emerging standards.
- 8.71 All the open space contained within the public realm will be managed and maintained by a Landscape Ecological Management Plan and/or a Habitat Maintenance and Monitoring Plan.

Infrastructure

- 8.72 Policy 20 of the emerging Local Plan Review provides a number of other infrastructure and mitigation requirements that are anticipated from the development. These have been provided through:
- as is demonstrated within a Utilities Assessment, there is sufficient capacity to serve the development with potable water. A connection will be provided from the main located in the

verge to the south of the site. Moreover, Wessex Water have confirmed that sufficient capacity exists in the existing sewer located to the south of the site and within the A3102, to accommodate foul water flows from the development;

- the application has been formed in a landscape led manner. As described in Section 3, this has ensured that the scheme incorporates green and blue infrastructure within the proposed development. As demonstrated above, in overall terms, a greater quantum of public open space is proposed than is required to meet the existing and emerging public open space standards;
- a suitable buffer has been provided either side of the main watercourse;
- as set out in the accompanying Heads of Terms, the Applicant is committed to providing the contributions that are necessary to make the development acceptable in planning terms, including in relation to education provision and healthcare; and

8.73 The Heads of Terms confirms that the applicant intends to make financial contributions towards:

- the provision of new or improved off-site sports facilities;
- early years, primary and, if necessary, secondary school provision;
- bus services;
- cycle maps;
- rail accessibility improvements at Melksham Railway Station;
- to surface Public Right of Way MELK103;
- an improvement to the Blackmore Road/Church Lane/Sandridge Common Road double mini roundabout;
- a new community facility on the Blackmore Farm site;
- healthcare;
- public art; and
- waste and recycling containers for each home.

8.74 Given the above, it is considered that the application accords with emerging Policy 20 as it relates to infrastructure. In doing so, it also accords with Core Policy 3 of the Core Strategy and Policy 8 of the Melksham Neighbourhood Plan. It also accords with Policy 5 of the emerging Local Plan Review,

Single comprehensive masterplan, phasing and delivery strategy

8.75 The emerging policy framework for the application site requires the preparation, submission and approval of a single comprehensive masterplan, phasing and delivery strategy for the development, prior to an application being submitted on the site.

8.76 Whilst this information has been provided within the accompanying Design and Access Statement it has not been submitted or approved before the submission of this application. It is acknowledged that this could be considered as being a conflict with emerging Policy 20 of the Local Plan Review. However, as the Plan is currently at Examination, any perceived conflict should attract limited weight in the decision making process.

8.77 The Applicant is also aware that there are a significant number of objections relating to the need for this information to be agreed in advance of the submission of a planning application, as no information is provided within the emerging Development Plan as to how a prospective applicant would agree the work. Through representations submitted to the Regulation 19 Local Plan, the Applicant suggested that this information should be submitted with the first application submitted on the site, which is the approach that has been taken.

Design principles

8.78 Policy 20 of the emerging Local Plan Review also requires the comprehensive masterplan, phasing and delivery strategy to take account of the principles shown on the concept plan provided at Figure 4.14. Importantly, para. 4.103 of the emerging Local Plan acknowledges that the concept plan for the site illustrates only one possible way that the site could be developed in a manner that secures the design principles, but not the only one. Using the concept plan as a guiding parameter plan in the manner intended, the application responds to its design principles by:

- residential development being the predominant land use, with a total net residential development area of 7.95ha;
- a net residential density of 37dph;
- green infrastructure provision that is in excess of 4.6ha;
- play provision being provided adjacent to the watercourse;
- a primary street that connects to the new fourth arm on the A3102/Eastern Way junction that runs to the site's northern boundary;
- a secondary street that connects with an emergency access in the site's south western corner;
- a footway to the A3102 within the site's south western corner;
- a footway that runs from the most western pedestrian access on the site's southern boundary, to the northern boundary;
- a pedestrian connection to the Sandridge Place development to the west;
- providing a central green corridor along the Main River, which incorporates new and enhanced landscaping;
- four attenuation ponds are located along the Main River at regular intervals. Their location is broadly consistent with the position shown on the concept plan;
- the built form in the north western area of the site addresses the Sandridge Place development;
- self-build provision being located in the north eastern portion of the site;
- allotments provided to the south of New Farm; and
- enhanced planting on the eastern boundary to soften views towards the development from the east.

Summary

8.79 Given the above, it is considered that the proposed development accords with Policy 20 of the emerging Local Plan Review.

Prematurity

8.80 Para. 49 of the NPPF confirms that the argument that an application is premature is unlikely to justify a refusal of a planning application, other than in limited circumstances. A consideration of these circumstances in the context of the development proposed is provided below:

- **The development is so substantial, or its cumulative effect would be so significant that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan** – Wiltshire Council published a Regulation 19 version of the Local Plan at the end of 2023. The consultation document sets out clearly that there is an expectation that Melksham will accommodate strategic levels of growth that will necessitate development on previously undeveloped, greenfield land. The application site is identified through the assessment process as being an allocation that is intended to help to meet the settlement's housing requirements.

The proposed development would also only contribute the following limited proportion of the identified emerging local housing need for Wiltshire, the Chippenham HMA and Melksham:

- Wiltshire – 0.8%;
- Chippenham HMA – 2.16%; and
- Melksham – 13.65%.

- **The emerging plan has been submitted for Examination.**

8.81 Given the above, it is not considered that prematurity is a material planning issue at the present time.

LANDSCAPE AND VISUAL EFFECTS

8.82 A Landscape and Visual Impact Assessment has been undertaken in support of this planning application. It considers the development's effects on landscape character, as well as its visual effects on a number of identified receptors. A summary of the conclusions presented in relation to each topic is set out below.

Effects on landscape character

8.83 The assessment found that, as is the norm with greenfield development on the edge of a settlement, a change to the landscape character of the site will result, with the loss or alteration to some existing vegetation and the site's landscape fabric, as its character alters from an agricultural one, to urban. The sensitive design response embedded in the Planning Layout, which is described in Section 3, will help to reduce the effect of the development on landscape character as far as practicable. These measures will help to integrate the proposed development into its urban-rural context.

8.84 The submitted Environmental Statement confirms that the largest effect would be at site level, where an unavoidable significant landscape effect on character would result, but that the character of the wider surrounding landscape would not significantly alter. Indeed, it was found that only minor and insignificant effects on the Landscape Character Area that the site is located within (12B) and Area 3 of the Local Landscape Character Neighbourhood Plan Evidence Base Report (2020) would result. These are similar conclusions to those presented within the Council's Landscape Appraisals evidence base document, which underpins the emerging Local Plan⁸.

8.85 Given the adverse, but not significant effects to the landscape character areas that the site falls within, it is considered that there is a degree of conflict with the first part of Policy 51 of the Core Strategy, which seeks to preserve, conserve and, where possible, enhance landscape character. This results from the change of land use and the necessary loss of some existing vegetation. In the main, however, the natural features within the site will be retained and enhanced, including the mature planting along the site's boundaries; significant swathes of vegetation being retained and enhanced within the site; new tree planting and the retention and the enhancement of the watercourse.

8.86 Over the longer-term, the assessment work suggests that the maturation of the landscape mitigation and enhancements, particularly along the site's boundaries, will help to visually contain the development, as well as creating a positive edge to the settlement. No issues relating to coalescence will result. Similarly, the proposed development does not obstruct or offend views from Melksham to the east, including towards the escarpment, and the assessment work found that the development would, over the longer-term, assimilate the proposal into the settlement, where it would be read as a small component in the long-range view. The historic environment work has found that there is no clear view towards the site from the designated assets associated with

⁸ CBA, Wiltshire Local Plan Review: Site Landscape Appraisals, September 2023, page 404.

Woodrow Farm House and that with the enhancement and mitigation planting on the northern boundary, no level of harm to the assets would result. No designated landscape will be impacted by the development. Over the longer-term, the development is predicted to be perceived as forming part of the wider suburban margins of Melksham and an integral part of the town, rather than a 'new development.'

8.87 In addition, it is noted that Policy 91 of the emerging Local Plan also only requires development to conserve, respect and where possible enhance landscape character, rather than ensure that no harmful impacts on landscape character result, which is the current requirements of Core Policy 51. For the reasons set out above, the proposed development is considered to accord with Policy 91 of the emerging Local Plan.

8.88 It is also considered that the proposed development accords with Policy 57(i), (ii) and (iii) of the Core Strategy, as well as Policies 12(i) and (ii) and 17 of the existing Melksham Neighbourhood Plan.

Visual effects

8.89 The Landscape and Visual Impact Assessment considered the visual amenity effects of the proposed development on 12 viewpoints, which were selected as they were considered to be representative of the views from a number of receptors which were considered likely to experience visual change as a result of the development. A further four residential receptors were also identified. In the main, the assessment work found that activity during the construction phase would have a temporary effect, which would reduce as the landscape planting and public open space proposals mature. Whilst a number of adverse effects are predicted to result from the proposed development, these were largely assessed as being not significant. Where significant effects were identified, these effects were limited to the immediate environs of the application site. Importantly, no significant cumulative effects were identified, when considering the effects of the proposed development in combination with other developments.

8.90 It is therefore considered that the proposed development accords with Core Policies 51(iv and vi) and 57(i) of the Core Strategy. It also accords with Policy 98(i) of the emerging Local Plan Review.

GREEN AND BLUE INFRASTRUCTURE

8.91 The landscape strategy is described in Section 3 above. The mitigation and enhancement measures embedded within the Planning Layout, ensure that where possible, green and blue infrastructure is retained and enhanced; in overall terms, public open space is provided in accordance with existing open space standards; and a Habitat Maintenance and Monitoring Plan/Landscape and Ecology Management Plan will ensure appropriate long-term management of the retained and proposed green and blue infrastructure. The biodiversity net gain assessment confirms that whilst losses to existing features are proposed, a net gain will result. As such, it is considered that the proposed development accords with Policy 52 of the Core Strategy, Policy 12 of the Melksham Neighbourhood Plan and Policies CR3 and GM2 of the West Wiltshire Leisure and Recreation DPD. It also accords with Policies 4(B(i and ii) and (C(v)) and 93 of the emerging Local Plan.

BIODIVERSITY AND ECOLOGY

8.92 Chapter 8 of the Environmental Statement concerns biodiversity and ecology. It considers how the development is likely to affect the nature conservation value of the site and areas within the ecological 'zone of influence' of it.

8.93 The assessment work confirms that the site is located within the zone of influence of the following statutory site:

- the Bath and Bradford-on-Avon SAC. The nearest component of the SAC was found to be located approximately 9km to the north west of the application site (Box Mine). The SAC is primarily

designated for its populations of greater horseshoe and Bechstein's bats, with lesser horseshoe bats being listed as a qualifying species, but not being a primary reason for its designation.

- 8.94 The proposed development was also found to be in the zone of influence of the Bristol Avon River non-designated site, which is a Local Wildlife Site, located approximately 1.15km to the west of the application site. A number of other non-designated sites were identified within 2km of the site, but were not deemed relevant to the assessment.
- 8.95 In addition, the following habitats and fauna were found within the site and/or in close proximity to the site and were put forward for further assessment: (1) hedgerows and trees; (2) the watercourse within the site; (3) ditches within the site; (4) amphibians; (5) badgers; (6) bats – roosting; (7) bats – commuting; (8) breeding birds; (9) dormouse; (10) invertebrates; (11) reptiles; and (12) hedgehogs.
- 8.96 The impacts on these designated and non-designated sites, habitats and fauna are considered within the Environmental Statement. With mitigation (inherent, standard and actionable), the assessment concludes that:
- **the Bath and Bradford-on-Avon SAC** – the assessment work found that neither a 'core roost' was located within the application site, nor that the site was located within a 'core area' of the SAC, as defined within the Bath and Bradford on Avon Bat SAC Planning Guidance for Wiltshire. In addition, established woodlands, which is a typical Bechstein habitat, was not found to be located within the site or the surrounding area. Moreover, given the distance between the site and a core roost, it was considered unlikely that the Greater or Lesser Horseshoe bats would utilise the site for foraging. This was also demonstrated through the survey effort. Consequently, it was concluded that the proposed development is unlikely to adversely affect the qualifying interest features of the designation, and therefore the impact of the proposed development on the statutory site was assessed as being negligible and not significant in both the construction and operational phases.
 - **non-statutory designated sites** – the watercourse within the site was identified as providing a potential hydrological link to the River Avon Local Wildlife Site during the construction phase. However, it was concluded that with the implementation of a Construction Environment Management Plan (CEMP) that included standard pollution control best practice, impacts on the non-designated asset during the construction phase would be negligible and not significant. During the operational phase, the proposed SuDS and swales will reduce the potential for adverse effects resulting from pollution. Consequently, the impacts from the proposed development on the River Avon Local Wildlife Site were assessed as being negligible and not significant during the operational phase. It was also concluded that no other non-designated site would be impacted during the construction phase, whilst minor increases in recreational pressure would result in a predicted impact that was considered to be negligible and not significant.
 - **hedgerows and trees** – the assessment work found that approximately 0.26km of hedgerow would be lost during the construction phase. However, 0.19km of new hedgerow would be planted, alongside the further enhancement of retained hedgerows. All retained hedgerows will be protected in the construction phase in accordance with an Arboricultural Method Statement, which will be secured by planning condition. No trees are proposed to be felled. During the operational phase, the management of retained and newly planted hedgerows will be undertaken in a manner established in the Landscape Ecological Management Plan and/or Habitat Maintenance and Monitoring Plan, which will be secured by planning condition. The proposed development will also include new trees and areas of mixed scrub. As such it was considered that the proposed development would have a negligible and not significant effect during the construction and operational phases.
 - **watercourse** – as shown on the planning layout, the watercourse that runs from the south to the north is to be retained, with two sections culverted to allow for pedestrian, cycle and vehicular connections between the eastern and western development blocks. A new swale is also proposed in the southern area of the site, which will convey flows to the watercourse. It will be culverted for a small length to allow the main access road to enter the site. The two watercourse

crossing structures have been sized to match the cross sectional area of the watercourse, which will minimise impacts to the channel and flow regime. The southern crossing point will also use the same space as the existing culverted crossing. The new southern bridge will provide a similar amount of shading to the watercourse, but its design allows for improved flow regimes and wildlife connectivity. Whilst the proposed northern bridge will create a new crossing point, flow regimes and connectivity will not be impacted due to its design. In addition, the existing culverted crossing in the northern field will be fully opened up, re-connecting this section with more natural sections either side. Whilst there is the potential for increased siltation and pollution events during the construction phase, a 20m buffer (10m either side of the watercourse) will be retained and protected via fencing, which will be set out in the Arboricultural Method Statement and/ or CEMP. As set out above, pollution control measures will also be set out in the CEMP. During the operational phase, the 20m buffer/ linear green space will ensure that the watercourse does not suffer from permanent adverse effects due to urbanisation. The SuDS strategy will prevent pollutants entering the watercourse and the change of use of the site will mean that agricultural run-off will cease. Paths and structural planting will protect the watercourse at appropriate locations. The proposed development was assessed as having a moderate beneficial and significant effect during the construction phase and a minor beneficial and significant effect during the operational phase on watercourses.

- **watercourse** – as shown on the planning layout, the watercourse that runs from the south to the north is to be retained, with two sections culverted to allow for pedestrian, cycle and vehicular connections between the eastern and western development blocks. A new swale is also proposed in the southern area of the site, which will convey flows to the watercourse. It will be culverted for a small length to allow the main access road to enter the site. The two watercourse crossing structures have been sized to match the cross sectional area of the watercourse, which will minimise impacts to the channel and flow regime. The southern crossing point will also use the same space as the existing culverted crossing. The new southern bridge will provide a similar amount of shading to the watercourse, but its design allows for improved flow regimes and wildlife connectivity. Whilst the proposed northern bridge will create a new crossing point, flow regimes and connectivity will not be impacted due to its design. In addition, the existing culverted crossing in the northern field will be fully opened up, re-connecting this section with more natural sections either side. Whilst there is the potential for increased siltation and pollution events during the construction phase, a 20m buffer (10m either side of the watercourse) will be retained and protected via fencing, which will be set out in the Arboricultural Method Statement and/ or CEMP. As set out above, pollution control measures will also be set out in the CEMP. During the operational phase, the 20m buffer/ linear green space will ensure that the watercourse does not suffer from permanent adverse effects due to urbanisation. The SuDS strategy will prevent pollutants entering the watercourse and the change of use of the site will mean that agricultural run-off will cease. Paths and structural planting will protect the watercourse at appropriate locations. The proposed development was assessed as having a moderate beneficial and significant effect during the construction phase and a minor beneficial and significant effect during the operational phase on watercourses.
- **ditches** – the assessment work confirmed that the ditches associated with Hedgerows 3 and 4 would be lost during the construction phase. However, the creation of new swales and ditches (approximately 0.31km) would mean that the resulting impact on ditches during the construction phase would be minor beneficial and significant, although increased siltation during the creation of two culverts was predicted to result in a minor adverse, but not a significant effect. During the operational phase, hydrology of the retained ditches would alter, mitigating any losses. In addition, the change in the use of the site would reduce poaching, soil erosion and compaction, and nutrient inputs through manure deposition. This will result in a positive benefit by allowing the ground to vegetate naturally, the soil to improve and in turn improving the water quality entering the ditches as well as reducing silt run off. The proposed development's impact on ditches during the operational phase was found to be a minor beneficial and significant effect.
- **amphibians** – it was acknowledged that during the construction phase, the loss of suitable habitat and mortality/ injury for local amphibian populations could result. However, it was considered that the limited extent of suitable habitat to be removed would mean that entry into

the National England District Licensing Scheme was not necessary. As a precaution, precautionary methods of removal would occur when suitable habitat was to be removed, which would include hand searching and supervision by a licenced ecological clerk of works, which could be secured as part of the CEMP. During the operational phase, the proposed development would result in the construction of a site wide SuDS strategy, which will provide new breeding habitats. As such, it was concluded that the proposed development would have a minor adverse, and a not significant effect during the construction phase, and a moderate beneficial and significant effect over the operational phase.

- **badgers** – the assessment work identified a potential badger sett on the northern boundary of the site, but within a hedgerow that is to be retained and buffered. As such, it was considered that the sett could be retained in-situ. It was suggested that measures to protect and buffer the sett were incorporated into a CEMP. During the operational phase, it was concluded that as a result of the large areas of open space within the scheme, and within the surrounding landscape, that there would be no severance in habitats or a reduction in suitable foraging or sett building opportunities. Accordingly, it was concluded that the proposed development would have a negligible and not significant effect on badgers during the construction and operational phases.
- **bats – roosting** – the only tree which was assessed as having the potential for roosting bats was T1, which is located within the hedgerow on the site's eastern boundary. The tree is proposed to be retained, and the provisions established within the Arboricultural Method Statement and/or CEMP will ensure that the tree is protected during the construction phase. Moreover, the buffer that will be afforded to the tree during the construction phase will ensure that no noise or light pollution will occur to the tree. Further provisions that could be incorporated into the CEMP were suggested, including the use of timers and directional luminaries. During the operational phase, it was considered that there was the potential for the 15m wide landscape buffer on the eastern side of the development to become a dark corridor, which together with the adoption of a suitable lighting strategy, would ensure that the viability of the roost site that may be present could be maintained. There is a commitment to provide bat boxes at a rate of one per dwelling. The assessment work therefore predicted that the proposed development would result in a negligible and not significant effect on roosting bats during the construction phase and a permanent major beneficial and significant effect during the operational phase.
- **bats – commuting** – the assessment found that the majority of hedgerows are to be retained. Where hedgerow losses are necessary, they will be compensated for. The CEMP will ensure that suitable retained habitats will be protected during the construction phase. In addition, the CEMP will also be used to ensure that lighting required during the construction phase meets the Bat Conservation Trust/ the Institution of Lighting Professionals standards. This will ensure that lighting will be directed away from raised hedgerows and the watercourse and only used when necessary. During the operational phase, the street network will bisect commuting corridors and could cause unmitigated light spill on features of value to light-averse bat species. Lighting could also increase predation and affect the composition of invertebrate populations away from dark areas. To mitigate these fragmentation effects, strong green connections are included within the design. Buffers are provided along the majority of the site's peripheral boundaries. In addition, significant areas of high-quality suitable foraging and commuting habitat is proposed, including new and enhanced hedgerow and new attenuation features. A sensitive lighting strategy, which is to be produced in accordance with the Bat Conservation Trust/ the Institution of Lighting Professionals standards, will be secured by condition. Dark corridors will be provided within the landscape buffers, along the watercourse and within areas of scrub planting. Where lighting is required, it will have motion detectors for human form. Suitable habitat will be managed in a manner specified in a Habitat Maintenance and Monitoring Plan. As such, the assessment work concludes that the proposed development would result in a moderate beneficial and significant effect in the construction phase and, during the operational phase, for the creation of new commuting habitat. During the operational phase, it is also predicted that a moderate adverse and significant effect from light spill will result.
- **breeding birds** – the majority of suitable habitat is to remain and be incorporated into landscape buffers, which will be protected during construction by provisions within the CEMP. The CEMP will also specify that the removal of woody vegetation can only occur outside the bird nesting

season, with a pre-works check by an ecologist for breeding birds. Any nest will be protected until the chicks have fledged. The proposed development could result in an increase in predation during the operational phase, as well as influence the location and assemblage of birds using the site. However, the farm and urban fringe bird species recorded as using the site are generally likely to become accustomed to change and the proposed development is predicted to result in an increase in certain species. Bird nesting boxes will be installed throughout the development, at a rate of one box per dwelling. As such, the assessment work predicts that the proposed development would result in a negligible and not significant effect on breeding birds during the construction phase and a permanent major beneficial and significant effect during the operational phase.

- **dormice** – dormice were recorded as using the hedgerow network within the site and the assumption is therefore that they are present within all hedgerows. During the construction, hedgerow loss will occur, which would result in habitat loss. There is also the potential for injury/ mortality. However, a licence will need to be obtained for the hedgerow works and any removal of suitable vegetation will need to be undertaken in strict accordance with a method statement and within the non-breeding season. Connectivity through the landscape will be maintained through the planting of approximately 0.19km of new hedgerow and 0.14ha of mixed scrub, which will compensate for any hedgerow removal. The existing population of dormouse will be monitored for a number of years post-development through the installation of nest tubes. Where necessary, this mitigation can also be incorporated into the CEMP, as well as the work required for the licence. During the operational phase, a Habitat Maintenance and Monitoring Plan will be adhered to, which will ensure that habitats are maintained to the benefit of dormice. The assessment work therefore concluded that the proposed development would result in a negligible and not significant effect during the construction phase and a permanent moderate beneficial and significant effect during the operational phase
- **invertebrates** – a negligible and not significant effect was predicted for invertebrates during the construction phase. In addition, habitat provision for reptiles was also assessed as providing enhanced opportunities for invertebrates. If incorporated into the development, the operational effects on invertebrates is predicted to be a permanent moderate beneficial and significant effect.
- **reptiles** – the construction phase was predicted to result in a small amount of suitable habitat for reptiles and also have a low potential for injury/ mortality. However, the landscape buffers within the proposed design will be protected in a manner to be confirmed in an Arboricultural Method Statement and/ or a CEMP. This will ensure reptiles will be able to commute through retained hedgerows. During the operational phase, the significant new open space will include habitats that are suitable for reptiles, including mixed scrub, attenuation ponds and the habitats proposed along the watercourse corridor. Hibernacula will also be provided. As such, it was predicted that the proposed development would result in a negligible and not significant effect during the construction phase and a permanent moderate beneficial and significant effect during the operational phase.
- **hedgehogs** – it was acknowledged that during the construction phase, there will be a risk of injury/ mortality to hedgehogs, which was assessed as being negligible and not significant. Garden enclosures will include hedgehog highways to allow free movement throughout the proposed development. Hibernacula will be provided within the riparian greenspace, along with four hedgehog domes. As such it was predicted that the proposed development would result in a permanent moderate beneficial and a significant effect for hedgehogs during the operational phase.

8.97 In addition to the above, as set out in the Heads of Terms, bat boxes, bird bricks, four hedgehog domes and a hibernacula will be provided.

8.98 Given the above, it can be concluded that the proposed development accords with Policy 50 of the Core Strategy, Policy 13 of the Neighbourhood Plan, Policy 88 of the emerging Local Plan. It also provides a strong fit with paras. 187(d) and 193 of the NPPF.

Biodiversity net gain

8.99 As required by Core Policy 50 of the Core Strategy, Policy 13 of the Neighbourhood Plan, Policy 13 of the Neighbourhood Plan and paras. 187(d) and 193(d) of the NPPF, the amended proposed development will deliver a measurable net gain for biodiversity. As set out in Appendix 8 of the Environmental Statement, the proposed development will deliver the following on-site net gains:

TABLE 6: SUMMARY OF THE BIODIVERSITY NET GAIN METRIC ASSESSMENT

UNIT TYPE	ONSITE BASELINE UNITS	ONSITE POST- DEVELOPMENT UNITS	NET CHANGE	UNIT % CHANGE
Habitat	28.74	31.61	2.88	10.01
Hedgerow/ Linear	18.17	26.87	8.70	47.89%
Watercourse	5.0	5.70	0.7	13.96%

8.100 It is acknowledged that the net gains provided by the development will not meet the emerging standards contained within Policy 89 of the Local Plan Review. However, at the present time, as acknowledged by the LPA, only limited weight should be afforded to policy within the emerging Plan. Moreover, the Applicant is aware of a number of unresolved objections to this emerging Policy requirement. The Applicant understands that objections were made regarding the Policy's consistency with the requirements of the Environment Act, as well as national planning guidance⁹.

8.101 Notwithstanding the above, information has been provided within the application that confirms: (1) the justification for the baseline date and pre-development site value; (2) the pre and post biodiversity values; and (3) how the net gains will be achieved, which accords with the hierarchy established in Policy 89 of the emerging Local Plan.

8.102 It is proposed that the statutory Biodiversity Net Gain Plan will be applied to any planning approval and that a suitably worded planning condition will be applied that would require the Applicant to provide a Habitat Management and Monitoring Plan (in addition to a Landscape and Ecological Management Plan), which would set out a programme of management and monitoring for a 30 year period.

TREES AND HEDGEROW

8.103 An Arboricultural Impact Assessment accompanies the submission (ref: 1795B-AIA-MU Rev 1). Table 3 of the Arboricultural Impact Assessment demonstrates that the proposed development will result in the partial loss of five hedgerows (Hedgerows 1, 3, 5, 9 and 12 as defined in the Arboricultural Impact Assessment). The hedgerow loss is limited to hedgerow that has been assessed as being low value and Category C. In total, approximately 340m of hedgerow is required to be removed to facilitate the development. The development ensures that no trees will be removed as a result of it.

8.104 The Arboricultural Impact Assessment acknowledges that the loss of these features will have an impact on the amenity value of the site. However, the proposed landscaping scheme, which includes new tree and hedgerow planting, ensures that the impact on the amenity value of the site

⁹ MHCLG, Biodiversity Net Gain Guidance, Paragraph: 006 Reference ID: 74-006-20240214.

will only be short-term, whilst the proposed landscaping scheme matures. Importantly, and as set out above, a net gain in linear features will result from the development.

- 8.105 As set out in Chapter 8 of the Environmental Statement and as shown illustratively on the submitted landscape plans, significant tree planting is proposed within the development, including in areas of public open space, as well as within streets.
- 8.106 Importantly, the development will not encroach on the root protection area of the veteran tree T17, which is located outside the application site.
- 8.107 Accordingly, it is considered that the proposed development accords with Policy C40 of the West Wiltshire Local Plan, Policies 51(i) and 57(ii) of the Core Strategy and Policy 16 of the Neighbourhood Plan, as well as Policies 90 and 98(vii) of the emerging Local Plan. It also provides a strong fit with para. 136 of the NPPF.

AGRICULTURAL LAND

- 8.108 As described in Section 2, DEFRA's online planning maps confirm that the application site is Grade 3b agricultural land. As such, it is not considered to be best and most versatile agricultural land, as defined by the NPPF. Consequently, the development accords with test D(ii) of Policy 4 of the emerging Local Plan.

WATER RESOURCES AND FLOOD RISK

Flood risk

- 8.109 The potential sources of flood risk are established in the accompanying Flood Risk Assessment. Summarily the risk of flooding is assessed as follows:
- The risk of fluvial flooding is assessed as negligible for most of the development but low to high in places; in the southeast of the Site and through the centre of the Site. There is a residual risk of flood flooding from the onsite watercourses; Watercourse 1 and Watercourse 2.
 - The risk of surface water flooding is assessed as negligible for most of the development but low to high in places, in the southeast of the Site and through the centre of the Site.
 - The risk of flooding from sewers is assessed as negligible for most of the development but low along the reach of the two water mains.
 - The risk of flooding from highway drainage is assessed as negligible for most of the development but low along the reach of the diversion swale.
 - The risk of flooding from all other sources is assessed as negligible.
- 8.110 Subject to the proposed avoidance measures, the Sequential Test is not required:
- Sequentially develop the development, limiting the built development (including surface water attenuation) outside the mapped extent of pluvial flooding, as per Enzygo modelled flood mapping (proposed).
 - Set finished floor levels a minimum of +150mm above external levels.
 - The number of highway crossings along the route of the onsite/bounding watercourses should be kept to a minimum. Free spanning structures are proposed designed to convey the 1 in 100-year plus climate change event, with a freeboard allowance.
 - Set the surface water outfall from the proposed development at an appropriate height above or at the bed level of the receiving watercourses.
 - Introduction of interception and conveyance swales to divert flooding around the development.

- 8.111 As a result of this mitigation, no residential development would be located in areas of flood risk. Instead, areas at risk of flooding within the site will only accommodate areas of public open space and essential infrastructure (bridge crossing points). With this embedded mitigation, the amended Flood Risk Assessment concludes that:

“...the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of national policy and guidance.”

- 8.112 The FRA concludes that a sequential test is not required. Planning Policy Guidance confirms that in applying para.174 of the NPPF a proportionate approach should be taken. The FRA confirms that the flood risk is associated with surface water flooding with a residual risk from fluvial flooding. The only infrastructure shown in flood risk areas are the crossing points of the watercourse. However, footings of the structure have been designed to be located outside flood risk areas. Furthermore, they have and deck heights of the structures been designed in such a way that they allow flow for the 100yr+CC event with a freeboard on top of this. This provides a betterment on existing conditions and therefore a proportionate approach would be not to apply the sequential test.
- 8.113 Furthermore, the FRA confirms that Post development the Site's flooding is reduced with only a small area of flooding shown along the reach of Watercourse 1. This is due to the interception features intercepting the surface water originating from the east of the Site. The Site has been laid out in such a way that only PoS is located in the small area of flooding. The more vulnerable aspects of development are located entirely within Flood Zone 1 post development. The proposed scenario has been modelled and shown to not increase flood risk elsewhere and provides a betterment on existing conditions.

Sustainable drainage systems

- 8.114 The development incorporates an attenuation-based SuDS strategy, after testing demonstrated that the site was unsuitable for an infiltration-based SuDS solution. The SuDS strategy has been sized to accommodate the 1 in 100-year storm event, plus a 45% allowance for climate change. Flows from the attenuation basins will be restricted to the pre-development greenfield run-off rate (QBAR), before discharging into the Main River. The SuDS systems proposed will have multi-functional benefits, both recreationally and ecologically.

Foul water drainage

- 8.115 The foul water drainage strategy is described in Section 4. Discussions between the applicant and Wessex Water have confirmed that there is sufficient capacity within the existing 225mm foul water sewer located within the A3102 to accommodate flows from the proposed development. As such, the proposed development accords with Policy U1A of the West Wiltshire District Plan.

Summary

- 8.116 Given the above, it is considered that the proposed development accords with Core Policy 67 of the Core Strategy and Policy 3 of the Melksham Neighbourhood Plan. It also accords with Policies 4(C(i, ii and iv) and 95 of the emerging Local Plan. It also provides a strong fit with paras. 170 to 175 and para. 177 to 182 of the NPPF.

TRANSPORT, ACCESS AND PARKING

Active and sustainable transport

- 8.117 As set out above, by proposing to focus development at a Market Town, the application accords with the spatial strategy set out within both the existing and the emerging Development Plan. The assessment work underpinning the emerging Local Plan also found the application site to be one of the most sustainable options for locating new development at Melksham. Both the Transport

Assessment and the WCHAR submitted in support of the application acknowledge that the application site is located within an acceptable walking distance of a range of services and facilities, including the proposed nursery, convenience stores, public houses, a primary school, a fish and chip shop and a place of worship. In addition, the town centre, the railway station and existing secondary school provision are located within an acceptable cycling distance of the application site.

- 8.118 The WCHAR, which considered the suitability of the local network for walking, cycling and horse riding concluded that ***“the routes to local facilities identified in the sections above are more than adequate to encourage sustainable travel from the site....”***
- 8.119 The Transport Assessment also found that the application is located in close proximity to the bus stop located on Skylark Road, which is approximately 330m to the south of the proposed access. This bus stop is served by bus services 14 and 15, which provide a circular shuttle route around Melksham. In addition, the primary street has also been designed in a manner that could accommodate a bus. Consequently, should development to the north be brought forward in the future, a bus service could be routed through the development.
- 8.120 The submitted Travel Plan, which is discussed in more detail below, identifies a number of measures that will be implemented to encourage sustainable and active travel from the proposed development.
- 8.121 It is also noted that a Statement of Common Ground has been agreed between the applicant and WC. Amongst other things, it confirms that the site is:
- “...located in a broadly acceptable walking distance of a range of services, facilities and employment opportunities, which can be reached via active and sustainable modes of transport”* (para. 2.3).
- 8.122 Consequently, it is considered that the proposed development accords with tests (i) and (ii) of Policy 60 and Policy 61 of the Core Strategy, as well as Policy 11 of the Melksham Neighbourhood Plan. It also accords with Policies 70 and 71 of the emerging Local Plan Review and Policy 11 of the emerging Melksham Neighbourhood Plan. It also provides a strong fit with para. 114(a) of the NPPF.

Access

- 8.123 As described in Sections 3 and 4 above, the access strategy proposes just one vehicular access, via a compact roundabout at the A3102/Eastern Way junction, with an additional bollard-controlled emergency access. The arrangement is described in more detail in the above sections. Appropriate visibility splays have been provided for both junctions, which reflect the current speed of the road.
- 8.124 Swept path analysis has been undertaken for both proposed junctions to ensure that all types of vehicles are able to safely and efficiently manoeuvre through each junction. Accordingly, it is considered that the proposals accord with Policy 61(ii) of the Core Strategy and Policy 71 of the emerging Local Plan Review. They also provide the safe and suitable access arrangements required by paragraph 115(b) of the NPPF.

Traffic impact

- 8.125 Using the TRICS database, it is predicted that the proposed development will result in:
- 155 movements in the AM peak (0800 to 0900); and
 - 155 movements in the PM peak (1700 to 1800).
- 8.126 The trip distribution figures used in the adjacent Sandridge Place development (ref: 15/12454/OUT) were applied to the forecast trip generation from the proposed development, in order to obtain an understanding of how the traffic generated by the proposed development would operate on the local highways network.

8.127 Applying this trip distribution with the forecast growth rate in traffic between now and the assessment year (2029), the Assessment considered the impact that the proposed development would have with committed development on the operation of the following existing and proposed junctions:

- the Eastern Way/A3102 roundabout (i.e. the proposed primary access);
- the Cranesbill Road/Eastern Way roundabout;
- the Eastern Way/Snowberry Lane/Rosemary Way roundabout;
- the Spa Road/Campion Drive/Snowberry Lane roundabout;
- the Spa Road/Bath Road/Pathfinder Way/Western Way roundabout;
- the Lowbourne/Bank Street/High Street mini roundabout;
- the Lowbourne/Forest Road/Sandridge Road double mini roundabout; and
- the Blackmore Road/Church Lane/Sandridge Common Road double mini roundabout.

8.128 The applicant's consultant concludes that other than for the Blackmore Road/Church Lane/Sandridge Common Road double mini roundabout, the operation of all junctions would be acceptable, even when accounting for the forecast growth rate of traffic, flows from committed development and forecast traffic movements from the development proposed by this application. The applicant has however, proposed mitigation to convert the Blackmore Road/Church Lane/Sandridge Common Road junction from a double mini roundabout, into left-right staggered priority junctions. With this mitigation in place, the junction's performance improved to an acceptable level. As set out in the accompanying Heads of Terms, they are committed to providing a financial contribution to this improvement.

8.129 With this mitigation in place, it is not considered that the proposed development would have a severe impact on the highways network that would warrant refusing the planning application. It therefore accords with Policy 62 of the Core Strategy, as well as test six of Policy 70 of the emerging Local Plan Review. It also provides a strong fit with para. 115(d) and 116 of the NPPF.

Parking

Vehicular parking

8.130 Whilst the application is in outline, the illustrative layout allows for parking requirements to be met. Table 7 below sets out the minimum car parking standards established within the Wiltshire Local Transport Plan and it is anticipated that these can be accommodated at the detailed planning stage in accordance with Policy 64 of the Core Strategy and Policy 73 of the emerging Local Plan Review.

TABLE 7: A COMPARISON BETWEEN THE MINIMUM STANDARDS OUTLINED WITHIN THE WILTSHIRE LOCAL TRANSPORT PLAN AND THE CAR PARKING PROVISION PROPOSED

PROPERTY TYPE	MINIMUM SPACES	UNIT NUMBERS	REQUIRED PROVISION	ILLUSTRATIVE PROVISION
1 bed	1	49	49	52
2-3 bed	2	155	310	320
4+ bed	3	91	273	272

Visitor spaces	0.2 spaces per dwelling	295	59	57
Total			691	701

Bicycle parking

8.131 As set out in Section 4, it is proposed that bicycle parking is provided in the development in accordance with the standards established within Appendix 4 of Wiltshire Council's Local Transport Plan 3 Cycling Strategy. It is proposed that this is secured by a suitably worded planning condition.

Electric vehicle charging points

8.132 As discussed below in relation to air quality, the Applicant is committed to providing 100% electric vehicle charging points as part of the development (i.e. 100% coverage). This is a level which will exceed the minimum requirements set out in Building Regulations Part S. It is proposed that this commitment is secured by way of a planning condition. This accords with Policy 4 of the existing and emerging Melksham Neighbourhood Plan, as well as test four of Policy 70 of the emerging Local Plan Review. It also accords with para. 116(e) of the NPPF.

TRAVEL PLAN

8.133 In line with Policies 60, 61 and 64 of the Core Strategy, Policy 11 of the Melksham Neighbourhood Plan and para. 117 of the NPPF, a Travel Plan is provided with the application. The Travel Plan, which will be secured by a planning condition or obligation, identifies a number of measures that will be implemented to ensure that the aims of the Travel Plan are met; to reduce the proportion of journeys made by single occupancy car/private vehicles by 10% and to increase the proportion of trips made by sustainable and active modes of travel by 10% by the end of year 5. This provides a good fit with tests A(iii) and D(i) of Policy 4 of the emerging Local Plan Review.

8.134 As set out in the Heads of Terms, the application proposes contributions to active and sustainable transport projects outside the application site, which include:

- the implementation of the Travel Plan and a monitoring fee;
- green travel vouchers;
- a bus service contribution;
- a cycle maps contribution; and
- rail accessibility improvements at Melksham Railway Station.

CULTURAL HERITAGE

8.135 A heritage impact assessment has been submitted with this planning application. The assessment work concluded that there are no listed buildings within the site and that it is located outside of a Conservation Area.

8.136 However, the assessment work initially considered that the following designated heritage assets were potentially susceptible to impacts from the proposed development:

- Woodrow House Farmhouse (Grade II) and gate piers and garden walls (separately listed as Grade II assets), which are located approximately 670m to the north west of the application site;

- Blackmore House (Grade II), which is located approximately 340m to the east of the application site;
- Church of St Andrew (Grade II), which is located approximately 400m to the west of the application site;
- 8 Church Lane (Grade II), which is situated approximately 340m to the west of the application site; and
- the Melksham Conservation Area, which is approximately 1km to the west of the application site.

8.137 However, following a programme of site visits, it was concluded that:

“...Blackmore House, the Church of St Andrew, 8 Church Lane and the Melksham Conservation Area have no intervisibility with the application site and possess no historical association with the land which comprises the site.”

8.138 Consequently, these assets were scoped out of further assessment. It was concluded that only Woodrow House Farmhouse and its associated gate piers and garden walls could potentially be susceptible to impact from the proposed development.

8.139 Following a review of the list description for the asset, it was concluded that the significance of the farmhouse principally stems from its architectural interest and local historic interest and to a lesser extent from the archaeological values associated with any retained and earlier historic fabric within the building.

8.140 In terms of its setting, it was considered that it is immediately surrounded by its own private gardens, which are set back from Woodrow Road. From in front of the gates there is a clear view to the south east, but it was concluded that the application site was not clearly visible. Historic mapping also shows that there was no direct link between the farmhouse and the application site, although it was acknowledged that this was not a definitive position. Even if it were argued that the agricultural land in the surrounding area has a characteristic associated with the farmhouse, the assessment concluded that such an association would be limited to the fields closest to the asset, to the south of Woodrow Road and not the application site.

8.141 Given the above, the impact assessment concluded that:

“...it was evident from the site visit that there is not a clear view of the site itself, and that while the construction of housing on the site may create a visible change, its effect will be wholly minor.

There is a substantial physical and experiential separation between the farmhouse and the closest boundary of the application site, and with appropriate landscaping at the northern boundaries it is likely any view of the proposed housing would be sufficiently filtered and potentially no longer discernible within this view. It is also noted that the existing modern housing which forms the current eastern edge of Melksham forms part of the view from this asset, and as such the introduction of additional residential development would not be entirely out of character.

Overall, with the provision of a degree of landscape buffer/screening to soften the northern edge of the proposed development, it is not considered that the level of change posed within the setting of Woodrow House Farmhouse would be sufficient to cause any level of harm to its significance.

Given the above there would be preservation for the purposes of Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.”

8.142 Given these conclusions, it is considered that in terms of the historic environment, the proposed development accords with Core Policy 58 of the Core Strategy and Policy 19 of the Melksham

Neighbourhood Plan. In addition, it is considered that the application also accords with emerging Policy 99 of the Local Plan Review and Section 16 of the NPPF.

ARCHAEOLOGY

8.143 Work undertaken by HCUK, which is submitted with this planning application, has assessed the potential for the site to contain archaeological assets, their significance and the impact that the proposed development will have on them.

8.144 The work confirmed that no designated archaeological assets are located within the site.

8.145 The conclusions of the assessment, in terms of the site's archaeological potential and significance is summarised in the table below.

TABLE 13: THE SITE'S ARCHAEOLOGICAL POTENTIAL AND ITS IMPORTANCE BY PERIOD

PERIOD	ARCHAEOLOGICAL POTENTIAL	ARCHAEOLOGICAL SIGNIFICANCE
Early Prehistoric: Palaeolithic, Mesolithic and Neolithic	Low – due to the lack of any records in the 1km study area. Any archaeology may be present in the form of stray finds.	Low (local) – stray finds.
Late Prehistoric: Bronze Age and Iron Age	Low to moderate based on previous archaeological records of Bronze Age date in the area. Low for Iron Age remains.	Low (local) – remains of later prehistoric field boundaries and agricultural features; Regional (moderate) – if remains of round barrows or settlement were present.
Roman	Moderate potential based on the recorded evidence of settlements to the northwest and southeast of the site.	Local (low) assuming related to dispersed agricultural land use or stray finds. Local (low) to regional (moderate) if remains of settlement are present.
Early medieval	Low – the site likely lay in agricultural land surrounding the pre-Norman conquest settlement.	Local (low) associated with agricultural activity.
Medieval	High – the site lies in agricultural land surrounding Melksham and buried remains of boundaries and ridge and furrow survive.	Local (low) associated with agricultural activity.

Post medieval	High – the site lies in agricultural land surrounding Melksham and buried remains of boundaries and ridge and furrow survive.	Local (low) associated with agriculture and the farm.
Modern	Negligible for significant archaeological remains to be present.	Negligible.

8.146 Principally, the assessment work concluded that the site was undeveloped land which had been used historically for agricultural purposes. Ridge and furrow features were recorded within aerial photography, a geophysical survey and lidar data. It was concluded that this is likely to be of medieval or post medieval date. In addition, an earth bank that forms the southern boundary of the site with the A3102 was considered to be potentially of medieval date.

8.147 In terms of impacts, it was noted that the south boundary feature would need to be partially removed to facilitate the secondary access and a pedestrian access.

8.148 The applicant also undertaken a programme of trial trenching across the site, which was agreed with the Council's archaeologist. A description of the evaluation and the conclusions of the exercise are provided within the Archaeological Evaluation Report (ref: CR1869_1 Rev A). Summarily, the work concludes that:

- whilst the geophysical survey identified several possible archaeological anomalies, these did not correspond with any archaeological features;
- Trench 2 contained a modern feature, which was not visible on the geophysical survey, but corresponds with a previous field boundary, which was visible on the 1886 Ordnance Survey map and is visible on all maps until the 1961 Ordnance Survey map;
- Trenches 73 and 68, which were targeted to investigate a possible medieval bank recorded on the Historic Environment Record, did not reveal any evidence of its presence; and
- Trenches 36, 37, 48, 53, 63, 65, 67 and 69 also targeted anomalies identified on the geophysical survey. However, they did not correspond to any archaeological features.

8.149 Given these conclusions, it is considered that in terms of archaeology, the proposed development accords with Core Policy 58 of the Core Strategy and Policy 19 of the Melksham Neighbourhood Plan. In addition, it is considered that the application also accords with emerging Policy 99 of the Local Plan Review and Section 16 of the NPPF.

SUSTAINABLE CONSTRUCTION, ENERGY AND CARBON REDUCTION

8.150 As set out above, the submitted application, which proposes development at one of Wiltshire's main towns, is consistent with the spatial strategy contained within the existing and the emerging Local Plan. The spatial strategy adopted by the LPA ensures that strategic levels of development are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased sustainable transport investment and usage and where there exists the greatest range of services and facilities. In turn, this will result in a pattern of development which limits the need to travel and provides a genuine choice of transport modes. This will help to reduce greenhouse gas emissions and improve air quality and public health.

- 8.151 Indeed, evidence suggests that transport is now the UK's leading emitting sector¹⁰. Moreover, research undertaken by the University of Exeter has demonstrated that **"location is the single most important factor to determining potential emissions from new development"**¹¹ with, in general, transport related emissions reducing where new development was located closer to major urban areas. The research also concluded that the location of the development and the range of sustainable transport options available to residents of a development would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to 'zero carbon' standards for regulated emissions.
- 8.152 In addition, the development seeks to promote active travel measures, including by ensuring that access points are provided to link into existing pedestrian and cycle infrastructure that will connect the site to services and facilities within Melksham, including the town centre and the railway station.
- 8.153 The submitted Energy Strategy Statement (which for the purposes of Policy 41 of the Core Strategy constitutes the required Sustainability Energy Strategy) confirms that the proposed development will reduce energy consumption from the proposed new homes in the first instance, whilst also generating renewable forms of energy.
- 8.154 It is proposed that the development will:
- balance the need for the development to adopt sound urban design principles, along with the use of passive design measures;
 - enhance the thermal performance of the proposed homes to a level above that required by current Building Regulations;
 - incorporate energy efficient and sustainable mechanical and electrical systems, including air source heat pumps; and
 - employ renewable energy systems, in the form of 475kWp of photovoltaic panels.
- 8.155 These measures, which are set out in detail within the Energy Strategy Statement, will result in a significant reduction in the total energy demand and the carbon emissions generated from the proposed development in comparison with current Building Regulations. The improvements are set out in the table below.

TABLE 8: A COMPARISON BETWEEN A 2021 PART L COMPLIANT DEVELOPMENT AND THE PROPOSED DEVELOPMENT

	PART L 2021 COMPLIANT DEVELOPMENT	PROPOSED DEVELOPMENT	IMPROVEMENT (%)
Total energy demand (KWh/a)	1,237,858	203,968	83.52
Carbon emissions associated with the total energy demand	305,149	203,968	88.78

¹⁰ Page 15 of 'Taking charge: the electric vehicle infrastructure strategy.'

¹¹ Section 2.3.1 of the 2020 Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan.

8.156 Having regard to the wording of Policy 1 of the Melksham Neighbourhood Plan 2 it is considered that the development has provided a Sustainable Energy Strategy which demonstrates how emissions are minimised; adopts a fabric first approach; incorporates low-carbon and renewable technologies including air source heat pumps, photovoltaic panels and electric vehicle charging points; enhances pedestrian and cycle connections from the site to existing services and facilities; and provides tree planting to help with carbon sequestration. It therefore provides a strong fit with the emerging Policy.

8.157 It is the case that there is a potential conflict between the proposed development and emerging Policy 85 of the Local Plan. However, the applicant is aware that there are number of unresolved objections to this emerging Policy and that would appear to conflict with para. 164(b) of the NPPF and the December 2023 Written Ministerial Statement relating to local energy efficiency standards:

“In 2015, in reference to an uncommenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement (WMS) (HC Deb, 25 March 2015, vol 584, cols 131-138WS) stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot.”

8.158 It is instructive to note that the Written Ministerial Statement confirms that the current Building Regulations standards are higher than the energy efficiency standards set out in Level 4 of the Code for Sustainable Homes, and that as set out above, the proposed development proposes energy efficiency measures that are a significant improvement on current Building Regulations standards.

8.159 It is noted that a similar policy to that proposed in Policy 85 of the emerging Local Plan was tested at the Melksham Neighbourhood Plan 2 Examination. In regard to Policy 1 of the submitted Melksham Neighbourhood Plan 2, the Examiner concluded that it:

“...overlaps with the Building Regulations and does not have regard to the Written Ministerial Statement (Planning-Local Energy Efficiency Standards Update) of December 2023.”

8.160 A series of alterations to the policy were therefore proposed, which have since been adopted by the LPA.

8.161 Given the above, the applicant asserts that only limited weight should be afforded to Policy 85 of the emerging Local Plan in the determination of this application.

NOISE

8.162 A Noise Report has been submitted in support of the application. The site is considered suitable for residential development in terms of noise levels, which have been minimised as far as practical through appropriate design of the illustrative layout, provided that the scheme is progressed taking account of the contents of the recommendations in the report.

8.163 Suitable indoor noise levels will be achieved with windows open in the majority of homes and it is noted that the report includes a series of potential mitigation measures for a small number of locations where they are likely to be required which could include the provision of alternative means

8.164 As such, it is considered that the application accords with Core Policy 57(vii) and Policy 98(viii) of the emerging Local Plan. It also accords with paras. 187(e) and 198 of the NPPF.

AIR QUALITY

- 8.165 Work undertaken by Air Quality Consultants has considered the potential air quality impacts associated with the proposed development during both the construction and operational phases.
- 8.166 The assessment work acknowledges that there is the potential for the construction works to generate dust, which will require mitigation. A package of potential measures is set out in Appendix A4 of the Air Quality Assessment. It is proposed that this mitigation could be secured within a CEMP, which itself could be secured by a suitably worded planning condition.
- 8.167 The work also demonstrates that the future residents of the development will experience acceptable air quality conditions, with concentrations predicted to be well below the air quality objectives throughout the site.
- 8.168 In line with Wiltshire Council's emerging standards, the proposed development also includes a number of additional measures, including the provision of secure cycle storage, electric vehicle charging points for all dwellings and the implementation of a Travel Plan.
- 8.169 In overall terms, the impact of the proposed development on air quality is considered to be not significant. The proposed development therefore does not engage Policy 55 of the Core Strategy, or Policy 101 of the emerging Local Plan Review, which only relate to developments that are likely to exacerbate existing areas of poor air quality. However, it provides a good fit with paras. 187(e), 198 and 199 of the NPPF.

WASTE

- 8.170 It is proposed that the requirement for a construction and operational phase site waste management plan is secured by planning condition, which will demonstrate that the proposed development accords with Policies WCS5 and SCW6 of the Waste Core Strategy.

DESIGN

- 8.171 As well as demonstrating how the application accords with the design principles set out in Policy 20 of the emerging Local Plan, the accompanying Design and Access Statement demonstrates that the development will: (1) having regard to the constraints and opportunities within the site and the surrounding area, which include the natural and historic environment, the landscape setting, topography and the pattern of development in the surrounding environs, enhance local distinctiveness; (2) as set out above, retain and enhance important landscape and natural features, including the watercourse, hedgerows and trees; (3) respond to the local vernacular; (4) have a neutral impact on designated historic assets; (5) include sustainable construction techniques, whilst utilising renewable and low carbon sources of energy to heat and power the proposed homes; (6) make efficient use of land, but in a manner that responds to the pattern of development surrounding the site; (7) provide appropriate levels of amenity for the occupiers of existing developments adjacent to the site and future occupiers of the development; (8) provide adequate levels of natural surveillance to ensure that opportunities for crime or the fear of crime have been designed out; (9) be legible, safe and accessible; (10) respond to the needs of future occupiers, in terms of the types, sizes and tenures of housing and the need for infrastructure generated from the development; and (11) use appropriate materials and street furniture; and incorporate trees.
- 8.172 Given the above, the proposed development accords with Policy 58 of the Core Strategy and Policy 18 of the Neighbourhood Plan. It also accords with Policy 98 of the emerging Local Plan and Policy 20 of the Melksham Neighbourhood Plan.

THE PLANNING BALANCE AND CONCLUSIONS

- 8.173 As concluded above, this planning application benefits from the presumption in favour of sustainable development as outlined in para. 11(d) of the NPPF. This means that the application should be approved, unless the adverse impacts of doing so would significantly and demonstrably outweigh its resultant benefits.
- 8.174 The analysis presented above has demonstrated that the proposal results in some limited conflict with the existing and emerging Development Plan policies, as well as some adverse effects that will result from the development. However, where conflict arises, or harm is identified, material considerations are identified that mean that the weight to be attributed to each harm should be reduced. The most significant material considerations include the age of the Core Strategy, the length of time left for the Development Plan to run, the emerging Development Plan, the short and longer term need for housing and affordable housing need. Those material considerations have been assessed within this planning statement, they therefore are not repeated here, although it remains the case that as the emerging Local Plan Review progresses through the plan-making process, in terms of the principle of development, any conflict with existing Development Plan policy will inevitably reduce.
- 8.175 The limited conflicts with the existing and emerging Development Plan policies and any other identified harms continue to be:
- **the location of the development** – it is acknowledged that the proposed development is located outside the defined settlement limits for Melksham. It is also not a form of development listed at para. 4.25 of the Core Strategy. Consequently, the development conflicts with the second element of Core Policy 2. By virtue of this conflict, a conflict also exists with Policy 15 of the Core Strategy and Policy 6 of the Melksham Neighbourhood Plan, which, in effect, cross refer to Core Policy 2. However, these policies, which are some of the most important for determining the application, have, been found to be out-of-date. Additionally, Core Policy 2 has also been found at an Appeal to have some conflict with more up-to-date expressions of national planning policy. Consequently, this conflict should be afforded only a limited weight in the planning balance.
 - **provision of play space** – the assessment work above identifies a shortfall in play space against the emerging requirements set out in the 2020 Open Space Assessment. However, as the Standards are not referred to within Policy 84 of the Local Plan Review, no specific conflict arises with that Policy. Should it be argued that a resultant conflict arises, then the conflict should be afforded only very limited weight, as the emerging Plan has not been the subject of Examination and there are unresolved objections to this emerging Policy. The standards were also not applied in the concept plans provided throughout the emerging Local Plan. It is instructive to note that the application meets and exceeds the current standards set out in the Adopted Development Plan, as well as, in overall terms, the emerging requirements.
 - **phasing** – Policy 20 of the emerging Local Plan requires the submission of a single comprehensive masterplan, phasing and delivery strategy to be prepared and approved by the LPA prior to the submission of the application. Whilst a masterplan, phasing and delivery strategy has been provided by the applicant, it was not agreed in advance of the submission. Consequently, a modest conflict results with part of emerging Policy 20, although it has been concluded that in overall terms, the development accords with the Policy. Given the limited nature of the conflict, the stage of preparation of the emerging Local Plan and the number of unresolved objections to this element of the Policy, the conflict should be afforded no weight in the determination of this application.
 - **landscape effects** – as set out above, the proposed development will have an adverse effect on landscape character. As a result, there is a conflict with the first part of Policy 51 of the Core Strategy, which requires development not to have a harmful impact on landscape character. However, also consistent with the Policy, mitigation and enhancement measures have been incorporated to reduce these unavoidable harms as far as is practicable. Such harms are characteristic of any development on a previously undeveloped, edge of settlement site. It is

noted that the wording of the emerging Local Plan is not so rigid and only requires new development to conserve, respect and where possible, enhance landscape character, rather than result in no harm. Moreover, the resultant level of harm was predicted by the Council's own evidence base. Despite this identified level of harm, the LPA have still proposed to allocate the site in the emerging Local Plan. As such, only limited weight should be afforded to the landscape effects resulting from the development.

- **visual effects** – the submitted Landscape and Visual assessment work identifies a number of adverse visual effects from the proposed development, with the most significant being from the residential receptors to the west and south, as well as the Public Right of Way to the north. Despite these predicted effects, the assessment work concludes that the application site is suitable for development. These visual effects will have been predictable when the LPA proposed to allocate the site and when forming their concept masterplan, which is contained within the emerging Local Plan, which, as noted above, the application substantially accords with. As such, a limited weight should be afforded to the visual effects resulting from the development.
- **biodiversity net gain** – as set out above, the proposed development provides a net gain to biodiversity that exceeds the statutory minimum of 10% for hedgerows, habitats and watercourses. This level of net gain accords with the existing Development Plan and the national statutory minimum. However, the net gains do not accord with Policy 89 of the emerging Local Plan. As an emerging policy, limited weight should be afforded to it at this time, particularly as it is subject of a number of unresolved objections. Moreover, it appears that the emerging policy also conflicts with national planning guidance regarding the subject matter. As such, it is considered that the conflict should be afforded only very limited weight in the planning balance.
- **sustainable construction, energy and carbon reduction** – whilst it is concluded that the sustainable construction and energy efficiency measures accord with Core Policy 41 of the Core Strategy and Policy 1 of the existing, it is acknowledged that there is a conflict with Policy 85 of the emerging Local Plan Review. However, the applicant considers that the emerging policies conflict with national planning policy and the latest statement of Government intent regarding the subject matter. Accordingly, only very limited weight should be afforded to this conflict in the decision-making process.

8.176 As set out in para. 11(d) of the NPPF, these harms need to be weighed against the benefits provided by the development. As set out in the submission, the proposed development will provide a significant number of benefits, which are summarised below:

Social

- the provision of 295 dwellings (as shown on the illustrative layout), which provide a strong alignment with identified local needs. The application is fully detailed to speed up delivery to help address the short-term urgent need for housing land;
- 40% of the proposed dwellings are to be affordable, based on the illustrative layout this would equate to 118 affordable homes. The provision of affordable housing from the development responds to the pressing need for affordable housing within Wiltshire and Melksham. The affordable housing provision proposed is 10% higher than the minimum requirement for Melksham established within the existing Development Plan;
- 84% of homes constructed to M4(2) Building Regulation standards, with a further 7% homes constructed to M4(3) standards;
- 5% custom build homes;
- A 100 place nursery, which will be provided with services, which is an unexpected planning benefit in comparison to the expectations established in Policy 20 of the Local Plan Review;
- a contribution to a new community facility to be provided off-site;
- public open space provision at a level that in overall terms exceeds existing and emerging requirements; and

- a contribution to new or improved sports provision.

Economic

- Hardisty Jones Associates have predicted that during the construction phase, the proposed development would support an estimated 510 to 560 person-years of employment. This level of employment would support wage generation of between £22m to £24m during this phase. Of these total impacts, it is predicted that 400 to 430 person-years of employment would be retained within the local area, which would support wages of between £17m to £18m.
- CIL receipts of £1,556,383, based on 2025 indexation.

Environmental

- a net gain to biodiversity that exceeds the statutory minimum of 10% for hedgerows, habitats and watercourses;
- the implementation of a travel plan;
- green travel vouchers;
- a contribution to bus services;
- a contribution to cycle maps;
- a contribution to surface Public Right of Way MELK103;
- rail accessibility improvements at Melksham Railway Station;
- the provision of the same number of electric vehicle charging points as the number of homes proposed;
- a potential improvement to the Blackmore Road/Church Lane/Sandridge Common Road junction;
- a contribution to public art;
- a significant reduction in the total energy demand and the carbon emissions generated from the proposed development, in comparison with current Building Regulations; and
- a surface water strategy that not only reduces flood risk within the application site and would not result in an increase in flood risk downstream in peak events, but would also reduce the extent of surface water flood risk outside the application site boundary.

8.177 It is not considered that the resultant harms from the proposed development significantly and demonstrably outweigh the substantial benefits provided by the development, and therefore, in accordance with para. 11(d) of the NPPF, the application should be approved.

9 Summary and conclusions

- 9.1 This Planning Statement accompanies a suite of plans and documents submitted in support of an outline planning application submitted by Bloor Homes South West on land north of the A3102, Melksham.
- 9.2 It is noted that alongside this application a full planning application is already under consideration by the Council. However, it is noted that the applicant, who intends to develop the site, owns it on a freehold basis. Consequently, there is no landownership constraint, or the need for a marketing exercise that would delay housing delivery. The LPA have confirmed that the site will make a meaningful contribution to housing land supply over the next five-year period.

THE APPLICATION SITE

- 9.3 The application site measures approximately 14.95 hectares. It comprises part of New Road Farm and is grazed modified grassland, divided by hedgerows and hedgerow trees into four entire field parcels and three partial field parcels.
- 9.4 It is located approximately 1.8km to the north east of Melksham town centre. The settlement's existing developed limits define the site's western boundary, whilst Sandridge Common (the A3102), is located to the south. Undeveloped land is located to the north, with built development associated with New Road Farm and open countryside being located further to the east.

THE PROPOSED DEVELOPMENT

- 9.5 This planning application seek outline planning permission for:

“...residential development; public open space including formal play space and allotments; sustainable drainage systems and associated infrastructure; a 100 place nursery and access points for pedestrians and cyclists. All matters are reserved except for access, the principal point of access is to be provided from a new northern arm onto an improved arrangement of the Eastern Way/A3102 roundabout junction and an emergency access onto the A3102”.

THE DECISION-MAKING FRAMEWORK

- 9.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 9.7 In this instance, the principal documents within the Development Plan are:
- the Wiltshire Core Strategy (2015);
 - the Wiltshire Site Allocations Development Plan Document (2020);
 - the Melksham Neighbourhood Plan (2025);
 - Saved policies of the West Wiltshire District Plan 1st Alteration (2004) and the Leisure and Recreation Development Plan Document (2009); and
 - the Wiltshire Waste Core Strategy (2009).
- 9.8 A number of important material considerations have been identified, which would suggest that there is a need to determine this planning application in an alternative way than in accordance with the current Development Plan. Key material considerations include:

- 1) The allocations and settlement limits contained within the Development Plan result from an evidence base that is significantly dated and does not reflect existing and longer-term needs. Indeed, at Melksham, a significant amount of development has already occurred beyond the settlement limits as defined by the Development Plan. Consequently, the defined settlement limits within the existing Development Plan do not reflect Melksham's current settlement limits 'on the ground.'
 - 2) The LPA cannot demonstrate the minimum five-year supply of housing land. The latest position is 2.42 years. This is below the minimum required by para. 77 of the NPPF.
 - 3) Monitoring evidence published by Wiltshire Council has indicated that the Core Strategy will fail to meet its housing requirement for the LPA area and for the North and West Wiltshire Housing Market Area over the Plan period, within which Melksham (and the subject site) is located.
 - 4) The development being located on a site that is proposed for allocation for residential development and a nursery, at Policy 20 of the emerging Local Plan Review.
- 9.9 As a result of material considerations 1 to 3 above, the application benefits from the presumption in favour of sustainable development as outlined in para. 11(d) of the NPPF. However, as the application site is not located in an area or is an asset that the NPPF seeks to protect, where development should be refused, only part (ii) of para. 11(d) of the NPPF is applicable.
- 9.10 The assessment work considers that no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits of the development. Indeed, the significant social, environmental and economic benefits that result from the development should weigh heavily in favour of granting planning permission for the proposed development.

LRM Planning
December 2025

Appendix 1. Site location plan

Appendix 2. Revised planning layout

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