

APPLICATION FOR FULL PLANNING PERMISSION CASE OFFICER REPORT

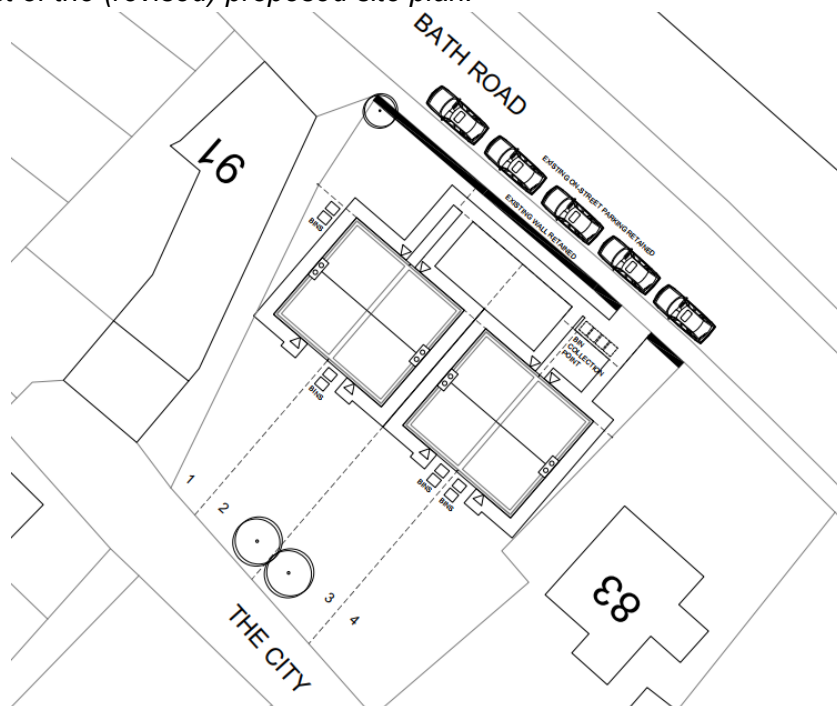
APPLICATION REFERENCE:	PL/2026/00855
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Land between 83/91 Bath Road , Melksham, SN12 8AD
DEVELOPMENT DESCRIPTION:	Erection of 4 dwellings, two semi-detached dwellings, and gardens
RECOMMENDATION:	Approve

Note that, following comments from the Conservation Officer amended plans were submitted to address their concerns. This report and recommendation is based on those amended plans.

PROPOSAL

Planning permission is sought for the redevelopment of the site to provide four dwellings, comprising two pairs of semi-detached three-bedroom dwellings arranged over three floors (to include accommodation in the roof space), together with private amenity space. The originally submitted plans proposed vehicular access taken from Bath Road to 8 proposed on-site car parking spaces. However, in order to retain the existing Bath Road stone boundary wall the on site parking has been removed. This also allows the existing on street parking to be retained (as vehicle crossings are no longer required to access the parking spaces).

Below: Extract of the (revised) proposed site plan:



As shown on this site plan there would be bin storage to the front of the dwellings and private amenity areas to the rear.

In relation to materials and appearance the dwellings have a “formal” architectural approach incorporating stone elevations and details, vertically emphasised window openings, sliding sash windows, terracotta roof tiles and prominent chimneys. The following street scene (from Bath Road) has been submitted:



Below – Proposed elevations and materials key:

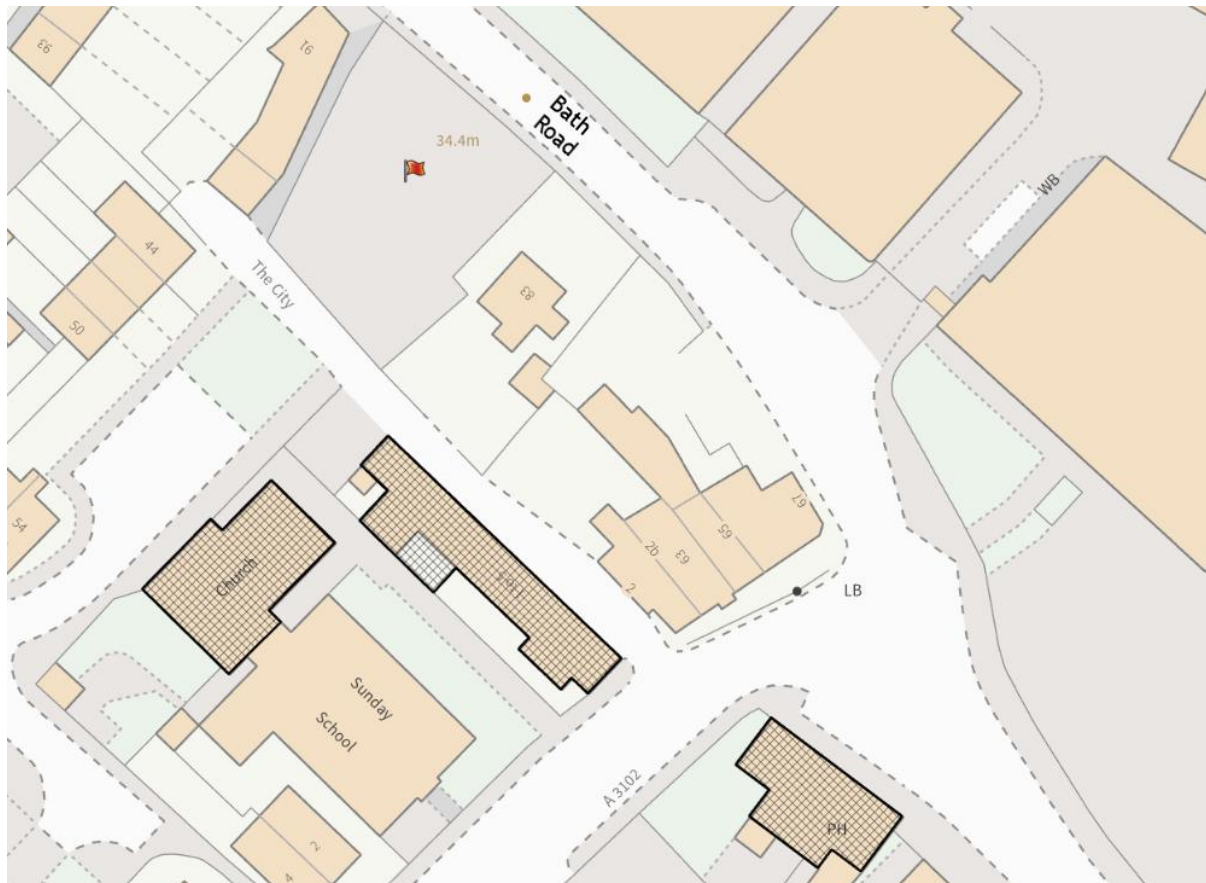


SITE DESCRIPTION/CONTEXT

The application site (indicated by the red flag on the plan below) relates to land between Nos. 83 and 91 Bath Road, Melksham. The site measures approximately 660 square metres and is regular in shape, relatively level and currently hard surfaced. The site is a former car park, currently disused having previously served as an overflow car park to the former Cooper Tire and Rubber Company site opposite.

Bath Road lies to the northeast of the site, with The City lying to the southwest. The site is within an established built-up area of Melksham and within the development boundary for the town. No. 83 Bath Road, a detached dwelling is to the southeast, and a three-storey apartment building No. 91 is to the north west. There is residential development and the Grade II Listed Baptist Church to the south and the former Cooper Tire site to the north. The site is enclosed by boundary walls, including a stone boundary wall and piers fronting Bath Road.

The surrounding area is varied in character and materials with nearby development comprising render, red and buff brick, and natural stone.



The site is outside the limits of the Melksham Conservation Area (this is c371m south east of the site) however there are a number of listed buildings in the vicinity. These are indicated by the heavy black line/hatching on the plan above. The Joint Melksham Neighbourhood Plan 2 identifies the Avon Rubber Company canteen as a Locally Valued Non Designated Heritage Asset. See photograph below of this building, which is opposite the site on Bath Road:



Below: Latest available aerial photograph - 83-91 Bath Road indicated by red flag:



The site lies predominantly within Flood Zone 1, with a very small part of the northeast corner of the within Flood Zone 2. No particular risk of surface water flooding has been identified.

Below: Photograph of site from Bath Road, showing stone wall and pier to be retained:



Below: View from The City – wall on the right is southwest boundary of the site:

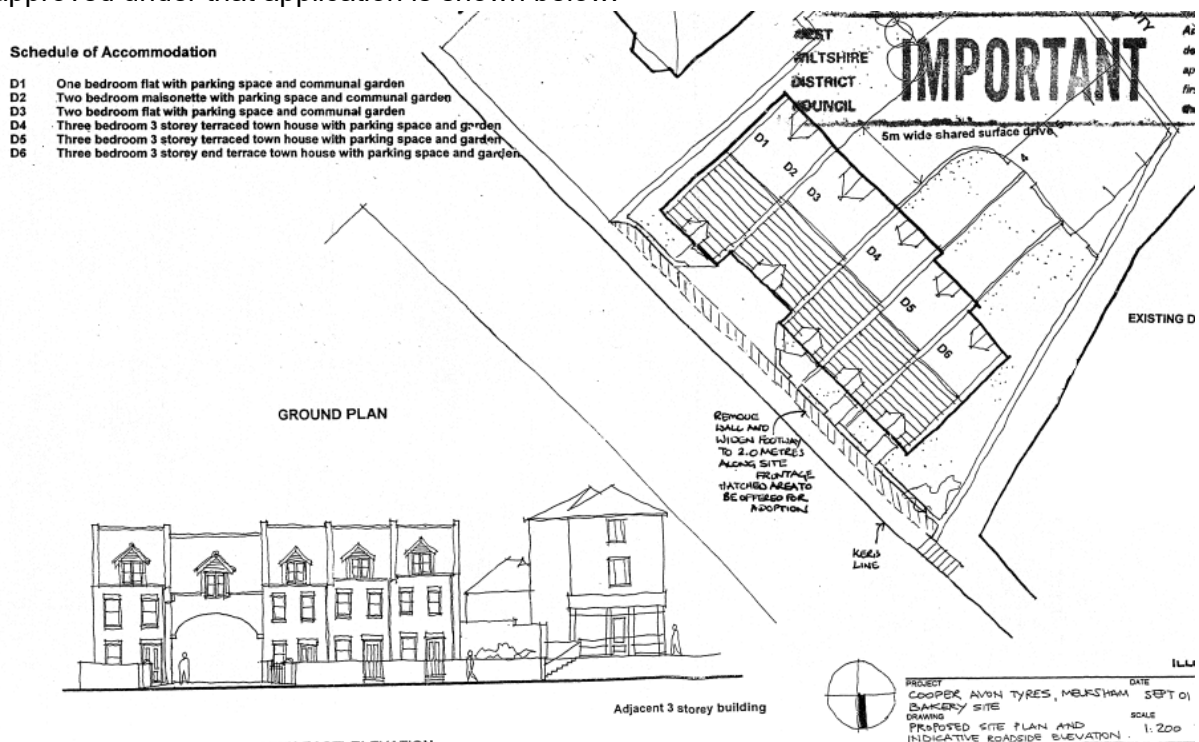


Below: Google Street View image of the site from The City:



PLANNING HISTORY

The site benefits from an earlier outline planning permission for residential development (6no units) under reference W/01/01577/OUT. The indicative street elevation and site plan approved under that application is shown below:



RELEVANT LEGISLATION, POLICIES AND GUIDANCE

National Planning Policy:

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- National Design Guide

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 15 Spatial Strategy for the Melksham Community Area
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 64 Demand Management

Joint Melksham Neighbourhood Plan 2 (JMNP2)

- Policy 1: Sustainable Design and Construction
- Policy 7.1 – “*Land at Cooper Tires Factory Site - Land at the former Cooper Tires main factory site, as defined in figure 6 (extract below), is allocated for development of a mixed use scheme which will optimise the effective use of the site...*”



- Policy 20: Locally Distinctive, High Quality Design

- Policy 21: Local Heritage

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015

ISSUES

The main issues that need to be addressed in this case include:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design (CP 57)
- Whether the scheme would have an acceptable impact upon the reasonable living conditions of the adjoining occupants (CP 57)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)
- Are there any other planning issues raised by the development?

CONSULTATION RESPONSES

WC Highways: No objection subject to conditions:

The Highway Authority has reviewed the revised submission which removes all on-plot parking provision in order to retain the existing frontage boundary wall. They note that the site is located in a sustainable location close to the town centre, with good access to services and public transport, and therefore accords with Core Policy CP60.

However, concern is raised regarding the lack of off-street parking provision. The revised scheme relies entirely on on-street parking, and the Highway Authority advises that the adjacent road frontage is already well-used for parking. It is therefore considered likely that occupiers would own vehicles and generate additional demand for on-street parking.

The Highway Authority considers that some level of private parking provision should be provided. However, it acknowledges that this would need to be balanced against the requirement to retain the existing boundary wall and advises that this is ultimately a matter for the case officer to weigh in the overall planning balance.

In respect of sustainable transport, it is recommended that each dwelling provides secure and covered cycle storage, particularly in the absence of off-street car parking. A condition is recommended requiring the submission and implementation of details of cycle storage in accordance with the Council's cycling standards.

Overall, the Highway Authority does not object to the scheme, subject to the above considerations and the imposition of an appropriate condition securing cycle parking provision.

WC Conservation: No objection subject to conditions

The Council's Conservation Officer was consulted on the application and provided comments across three consultation responses dated 17 February 2026, 24 March 2026 and 20 April 2026.

In the initial consultation response, no objection was raised in principle; however, concern was expressed regarding the quality of the proposed design and its impact on the setting of nearby Grade II listed buildings. The proposals were considered overly suburban in character, with particular concern raised in relation to the layout, which was dominated by frontage parking, and the loss of the existing stone boundary wall which contributes positively to the street scene. The architectural detailing and materials were also considered to lack a clear relationship with local character.

In the second consultation response, following the submission of amended plans, the Conservation Officer advised that the revisions did not sufficiently address earlier concerns. Objection was maintained to the layout and design approach, with continued concern regarding the dominance of parking to the front, the erosion of established street enclosure, and the lack of a coherent and locally responsive architectural form and materials palette.

In the final consultation response, following further amendments, the Conservation Officer confirmed that the revised scheme addressed the principal concerns raised. In particular, the amended layout, which removed onsite parking and retains the existing stone boundary wall, was supported as a positive response to the character of the street. Whilst some minor concerns were raised regarding detailed design matters, including entrance detailing and ventilation features, the Conservation Officer raised no objection to the proposal subject to appropriate conditions.

WC Archaeology: No comment

"Thank you for consulting Archaeology again following the submission of revised documents in support of this application. I have reviewed the new information and have no comment to make."

Melksham Town Council: No objection

"Melksham Town Council does not object to this application and is pleased to note that this is the first application in the process to regenerate the former Cooper Avon estate."

MTC also notes that this is within the Cooper Avon site which is a designated site within the Joint Melksham Neighbourhood Plan.

Melksham Without Parish Council: No objection

"As part of the Joint Melksham Neighbourhood Plan 2 (adopted July 2025) Melksham Without Parish Council note that this site is within the red line of the JMNP2 site allocation policy 7.1 Land at Cooper Tires Factory Site and is also covered by the Priority Statement 4 Progressing Town Centre Master Plan Area Regeneration and Policy 9 Town Centre. Related evidence base documents "Melksham Town Centre Master Plan" and "Melksham Design Guidelines and Codes" also apply."

WC Ecology: No comment received – *there are no known ecological constraints covering the site, and so ecology comments are not considered necessary to determine the application.*

WC Rights of Way: No comment received – *there are no rights of way crossing or immediately adjacent to the site and so ROW comments are not considered necessary to determine the application.*

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- Neighbour notification letters sent to adjoining and nearby properties;

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Following the submission of amended plans, a second round of neighbour notification letters was issued to provide a further opportunity for comment.

No representations had been received at the time of writing.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

Policy Context

Core Policy 1 (Settlement Strategy) of the Wiltshire Core Strategy (WCS) establishes a hierarchy of settlements to guide the distribution of development. It directs growth towards Principal Settlements, Market Towns and Local Service Centres, where there is greater access to services, facilities and employment. Development in Large and Small Villages is

more limited and should respond to local needs. Outside defined settlement boundaries, development is generally restricted unless specific policy exceptions apply.

Core Policy 2 (Delivery Strategy) reinforces this approach, seeking to ensure that development takes place in sustainable locations, supported by infrastructure, and in accordance with the plan-led system. Proposals coming forward on unallocated (windfall) sites must still align with the overarching principles of sustainable development set out in the WCS.

Together, CP1 and CP2 seek to ensure that development is appropriately located, sustainable, and supports the role and function of settlements across Wiltshire.

Assessment

The application site lies within the defined settlement boundary of Melksham, which is identified as a Market Town within the Wiltshire Core Strategy. Core Policies 1 and 2 therefore support residential development in this location in principle, subject to compliance with other relevant policies and material considerations.

In addition, the site is allocated for development under Policy 7.1 of the Joint Melksham Neighbourhood Plan 2. The allocation of the site for residential development carries significant weight in establishing the acceptability of the principle of development.

The proposal relates to the redevelopment of a previously developed site within the built-up area of the town. The delivery of 4 dwellings in this sustainable location would make efficient use of land and contribute towards the overall housing supply.

The Council is currently unable to demonstrate a five-year housing land supply. This is a material consideration which weighs in favour of the proposal. However, in this case the proposal is acceptable in principle, having regard to its location within the settlement boundary and its allocation for residential development, and therefore does not rely on the presumption in favour of sustainable development to justify approval.

Conclusion

Overall, the principle of residential development on the site is considered acceptable, subject to compliance with other relevant development plan policies and consideration of all other material planning considerations.

Design and Impact on the Character and Appearance of the Area

Policy Context

Core Policy 57 of the WCS requires high-quality design that:

- Enhances local character.
- Responds to the natural, historic, and built environment.
- Retains important features (e.g., trees, hedges).
- Supports sustainable construction and compatibility with surrounding uses.
- Creates safe, legible, and accessible spaces.

Section 12 of the NPPF emphasises design that is:

- Visually attractive.
- Functionally effective.
- Contributes to the quality of the built environment.

The Wiltshire Design Guide encourages sensitivity to local character, materials, and architectural styles and supports modern living standards while maintaining aesthetic and functional quality.

Building for a Healthy Life Framework promotes healthy, inclusive, and sustainable places. The document encourages:

- Walkability.
- Access to green space.
- Active design principles for well-being.

Assessment

The application site lies within a mixed character area along Bath Road, comprising a variety of building types, styles and uses. This includes residential properties of varying ages and forms, such as the two-storey 1930s dwelling at No. 83 Bath Road and the three-storey subdivided building at No. 91 Bath Road, as well as the Former Cooper Tyre factory site opposite. The wider area also includes community uses such as a church and later 20th century residential development, resulting in a varied and evolving townscape rather than a uniform architectural character.

In this context, the site itself comprises a previously developed parcel of land formerly in use as a car park, which does not make a positive contribution to the character of the area. Its redevelopment therefore presents an opportunity to enhance the appearance of the site and reinforce the established pattern of development along Bath Road.

The proposed development comprises two pairs of semi-detached dwellings. During the course of the application, amendments have been made to the layout and design in response to concerns raised, including those of the Conservation Officer. In particular, these changes include the retention of the existing stone boundary wall to the site frontage and the repositioning of parking away from the street.

These amendments are considered to result in a more appropriate relationship with the street scene, maintaining the sense of enclosure and reflecting the established character of development along Bath Road. The revised layout avoids frontage parking dominating the streetscene and ensures that the development presents an active and legible frontage.

In terms of design, the dwellings adopt a relatively simple, traditional form which, whilst not directly replicating any single architectural style in the area, is considered appropriate within the varied context of the locality. The scale, massing and height of the proposed dwellings are consistent with surrounding development and would sit comfortably alongside neighbouring properties.

The use of conventional materials and a restrained architectural approach ensures that the development integrates satisfactorily within the wider streetscene. Whilst some detailing remains relatively simple, this does not result in harm to the character and appearance of the area, particularly given the mixed and non-uniform nature of surrounding development. Overall, the proposal is considered to respond positively to the established character of the area and represents an improvement over the existing site.

Conclusion

The proposed development is considered to be of an acceptable design and would have a positive impact on the character and appearance of the area. The proposal therefore complies with Core Policy 57 of the Wiltshire Core Strategy, the Wiltshire Design Guide and the relevant provisions of the NPPF.

Impact on Heritage Assets

Policy Context

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 (Listed Building Consent)/Section 66 (Planning Permission) requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. In particular:

Paragraph 208 requires LPAs should “avoid or minimise any conflict” between the heritage asset’s conservation (which includes achieving its optimum viable use) and any aspect of a proposal.

Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable new uses and of new development making a positive contribution to local character and distinctiveness.

Paragraphs 212 requires “great weight” to be given to an asset’s conservation “irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 213 advises that harm to the significance of a designated heritage asset should require “clear and convincing justification”.

Paragraphs 213-215(214-216) require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 220 advises that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm or less than substantial harm as appropriate.

The Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

Policy 21 of the Joint Melksham Neighbourhood Plan 2 seeks to conserve and enhance the significance of both designated and non-designated heritage assets, including their settings, and requires development proposals to demonstrate an understanding of local character.

Assessment

The application site lies outside the Melksham Conservation Area (approximately 371m to the north-west), however the site is located within the setting of a number of nearby Grade II listed buildings and also lies opposite the Avon Rubber Company canteen, which is identified within the Joint Melksham Neighbourhood Plan 2 as a locally valued non-designated heritage asset.

The significance of the nearby listed buildings is primarily derived from their historic fabric, architectural detailing and traditional materials, as well as their relationship with the surrounding streetscene. Their setting contributes to this significance by providing a predominantly residential context characterised by traditional building forms, boundary treatments and a sense of enclosure along Bath Road.

The Avon Rubber Company canteen derives its significance as a non-designated heritage asset from its historic association with the former industrial use of the area and its communal value, alongside its visual presence within the streetscene.

The wider townscape context along Bath Road and The City is mixed in character, comprising not only traditional buildings but also later 20th century residential development, including relatively standardised suburban housing. As a result, the setting of heritage assets in this

location is not one of uniform historic character, but reflects a varied urban environment which has evolved over time. This moderates the sensitivity of the site in townscape terms and informs the assessment of the proposal's impact on the setting of nearby heritage assets.

Initial concerns were raised by the Conservation Officer in relation to the design and layout of the scheme, particularly the dominance of frontage parking, the loss of the traditional stone boundary wall, and the use of design detailing and materials which were considered overly suburban in character and insufficiently reflective of local distinctiveness.

Following amendments, these concerns were reiterated, with continued objection to the layout and architectural approach, and concern that the proposal failed to preserve the character of the streetscene or positively respond to local context.

The scheme has subsequently been amended to address these concerns. In particular, the revised layout retains the existing stone boundary wall to the site frontage and relocates parking away from the street, thereby reinforcing the established pattern of development and maintaining the sense of enclosure along Bath Road. The following boundary plan confirms retention of all existing boundary walls:



In this context, the revised form and layout of development are considered to respond more appropriately to the surrounding townscape and the setting of nearby heritage assets. Whilst the architectural detailing remains relatively simple, it is not considered to result in harm to the significance of the nearby listed buildings or the non-designated heritage asset.

Having regard to the statutory duty under Section 66 of the Act, the proposal preserves the setting of nearby listed buildings. The development would also preserve the significance of the locally valued non-designated heritage asset opposite the site, and would not adversely affect its contribution to the character of the area.

Overall, the proposal is considered to accord with Core Policies 57 and 58 of the Wiltshire Core Strategy, Policy 21 of the Joint Melksham Neighbourhood Plan 2, and the relevant provisions of the NPPF.

Conclusion

The proposal would preserve the setting of nearby listed buildings and would not harm the significance of the identified non-designated heritage asset.

The development therefore complies with the statutory duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant development plan policies. No heritage harm has been identified.

Highways Impacts and Parking

Policy Context

Transport implications are a key factor in assessing planning applications, especially for larger developments. Proposals must demonstrate:

- Safe and suitable access for all users, including pedestrians, cyclists, and those with mobility impairments.
- No severe residual impacts on the surrounding highway network.
- Promotion of sustainable travel, reducing reliance on private vehicles.
- Adequate parking and cycle provision, in line with adopted standards.
- Protection and enhancement of public rights of way and active travel routes.

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Proposals must also ensure safe access for refuse collection vehicles and comply with the Wiltshire Council Waste Storage and Collection SPD (2017).

Where necessary, Transport Assessments or Statements should be submitted to evaluate impacts and identify mitigation. Planning conditions or legal agreements may be used to secure off-site improvements, travel plans, or contributions to sustainable transport infrastructure.

Assessment

The application has been considered by the Highway Authority, who have reviewed the revised scheme which removes all on-site parking provision in order to retain the existing frontage boundary wall.

The Highway Authority acknowledges that the site occupies a sustainable location in close proximity to the town centre, with good access to services and public transport, and is therefore consistent with Core Policy CP60.

Concern is raised that the removal of on-site parking would result in all parking demand being accommodated on-street, in a location where parking is already well-used. The Highway Authority considers that some level of off-street parking would ordinarily be expected. However, it is recognised that this must be weighed against the retention of the existing boundary wall, which has informed the revised design approach.

In this case, it is noted that the site is centrally located within Melksham, where opportunities to travel by non-car modes are more readily available. Whilst it is likely that future occupiers may own vehicles, the reliance on on-street parking in such a location is not, in itself, uncommon or unacceptable in principle.

It is also noted that no objections have been received from the Town Council or local residents in respect of parking or highway safety impacts. Whilst this is not determinative, it provides some contextual indication that the level of parking pressure arising from the development is not anticipated to result in severe or demonstrable harm.

Taking all matters into account, and having regard to the sustainable location of the site, it is not considered that the absence of on-site parking provision would give rise to a severe impact on the operation of the highway network, such that a refusal on highway grounds could be sustained.

The Highway Authority raises no objection to the proposal, subject to the imposition of a condition requiring the provision of secure and covered cycle parking for each dwelling in accordance with the Council's cycling standards.

Conclusion

Overall, whilst the absence of off-street parking is acknowledged as a concern by the Highway Authority, this must be weighed against the site's sustainable location and the design benefits arising from the retention of the historic boundary wall. In this case, the proposal is not considered to result in a severe impact on highway safety or the operation of the local road network and is therefore acceptable in highway terms, subject to conditions securing cycle parking provision.

Amenity

Policy Context

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

These policies guide the assessment of amenity impacts, which will be considered in detail under the below headings.

Assessment

The proposed development has been assessed in terms of its impact on the residential amenity of both existing and future occupiers, having regard to matters including outlook, light, privacy and general living conditions.

In terms of future occupiers, the proposed dwellings are considered to provide an acceptable standard of accommodation, with adequate internal space and access to private amenity areas. The layout and design of the dwellings appear consistent with established standards for residential development and would provide suitable living conditions for future occupants.

In respect of neighbouring properties, the closest relationships are with No. 83 Bath Road to the south-east and No. 91 Bath Road to the north-west.

No. 83 Bath Road is a two storey dwelling located approximately 5 metres from the site boundary. Whilst this separation distance is relatively limited, the property benefits from a generous plot, with substantial front and rear garden areas. The scale, form and positioning of the proposed dwellings are such that they would not result in an unduly dominant or overbearing relationship when viewed from within this wider setting particularly as the dwellings would have a side elevation to side elevation relationship, where windows do not serve principal rooms – indeed the only windows on the side elevations of the proposal would serve bathrooms. As such it would not be unreasonable to require these windows to be obscure glazed via a condition. The orientation and spacing between buildings would ensure that the proposal would not result in an unacceptable loss of light or outlook to No.83.

No. 91 Bath Road comprises a three-storey building subdivided into flats and is located approximately 4 metres from the site boundary. An access path which runs between The City and Bath Road separates the site and No.91 Bath Road, providing a degree of physical separation and relief between the buildings.

Floor plans of historic applications at 91 Bath Road suggest that Flat 91C projects beyond the footprint of the dwellings and has a garage at ground floor and windows at first and second (roof space) floors. Flats 91 A and B angle away from the proposed dwellings and also have windows on their north east and north west elevations. However, Officers have been unable to find planning history for some of the development that has taken place at No.91, and so up to date floor plans of the flats are not available. Due to the evolved nature of the building, it is likely that some windows serving habitable rooms face towards the application site.

The assessment has therefore been undertaken on a worst-case basis, assuming that primary habitable room windows may be affected.

Notwithstanding this, the presence of the intervening access, the established built form of the area, and the scale and positioning of the proposed dwellings are such that the development would not result in an unacceptable overbearing or oppressive relationship. Whilst the separation distance is relatively limited, this relationship is not uncommon within urban

environments of this character and would not result in a harmful loss of light, outlook or privacy sufficient to warrant refusal, particularly with the conditioned obscure glazing on the side elevations of the proposal.

Conclusion

The proposed development would provide an acceptable standard of amenity for future occupiers and would not result in unacceptable harm to the residential amenity of neighbouring properties. The proposal therefore complies with Core Policy 57 of the Wiltshire Core Strategy and the relevant provisions of the NPPF.

Environmental Considerations (Noise, Air Quality, Contaminated Land, etc.)

Policy Context

Core Policies 55 and 56 of the Wiltshire Core Strategy require:

- Development proposals to avoid unacceptable environmental impacts.
- To provide appropriate mitigation where risks are identified.

The NPPF and Planning Practice Guidance (PPG) reinforce this by stating that proposals should:

- Prevent development that contributes to or is exposed to unacceptable pollution.
- Ensure developer responsibility for safe development on contaminated land.

Assessment

The application site is previously developed land, formerly used as a car park associated with the adjacent Cooper Tyre factory. Given the historic use of the wider area, there is potential for land contamination to be present on site. No detailed contamination assessment has been submitted as part of the application, and the applicant has advised in their application form that the land is not known to be contaminated. In addition, there is no planning history on the site itself to suggest that there would be contamination.

However, given the scale and nature of the development, it is considered that any potential contamination can be appropriately investigated and, if necessary, remediated through the use of planning conditions. It is noted that a condition to this effect was added to the 2001 outline permission for residential development on this site.

Conclusion

Subject to appropriate conditions requiring site investigation and, where necessary, remediation, the proposal is considered acceptable in respect of land contamination.

Biodiversity Net Gain

The application is accompanied by a Biodiversity Net Gain Statement which identifies the site as having negligible ecological value, comprising previously developed hardstanding with

limited habitat value. The submitted information indicates a pre-development biodiversity value of zero.

Given the nature of the site and the scale of development proposed, it is considered that the development is capable of delivering the required biodiversity net gain through modest on-site enhancements, to be secured through the statutory biodiversity gain requirements.

Community Infrastructure Levy

The proposed development would be liable for the Community Infrastructure Levy (CIL) as set out in the Wiltshire CIL Charging Schedule dated May 2015. CIL is a charge that local authorities can impose on new development, with funds used to support the provision of infrastructure required to accommodate growth.

The site falls within CIL charging zone 2, where the applicable rate is £55 per square metre of additional floorspace (subject to indexation). The final CIL liability will be calculated and secured in accordance with the Council's CIL processes and will become payable upon commencement of development.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

The principle of development is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the JMNP2. The site lies within the defined settlement boundary of Melksham and is allocated for residential development, which attracts significant weight in favour of the proposal.

The proposal is broadly compliant with relevant local and national planning policies in respect of design, character and appearance, heritage, residential amenity, highway safety, flood risk, drainage and environmental considerations. The scheme has evolved positively through the application process, with amendments made in response to consultee comments, particularly in relation to layout, design and the retention of the existing stone boundary wall, resulting in an improved relationship with the surrounding area and nearby heritage assets.

In terms of adverse impacts, the proposal would introduce new built form within a currently open, hard-surfaced site and would result in relatively close relationships with neighbouring

properties, particularly No. 91 Bath Road. However, having regard to the mixed character of the area, the presence of intervening space including the public right of way, and the scale and form of surrounding development, these relationships are not considered to result in unacceptable harm to residential amenity. No objections have been received in respect of amenity impacts. The local town and parish councils are supportive of the proposals.

The development of a previously developed site in a sustainable location represents a benefit, contributing to the efficient use of land and the delivery of additional housing. Additional benefits arise from the enhancement of the site through redevelopment, improvements to the street scene, and the opportunity to deliver biodiversity enhancements. The Council's current housing land supply position is also a material consideration which weighs in favour of the proposal.

Overall, it is considered that the proposal accords with the development plan when read as a whole. There are no adverse impacts which would significantly and demonstrably outweigh the identified benefits.

For the reasons set out above, the proposed development is considered to constitute sustainable development and is recommended for approval, subject to conditions.

RECOMMENDATION: That Planning Permission be GRANTED, subject to conditions.

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Boundary Plan MDC_BR_08 P1 received 14 Apr 2026
Street Scene MDC_BR_07 P3 received 14 Apr 2026
First Floor Plan MDC_BR_04 P2 received 14 Apr 2026
Site Layout MDC_BR_01 P4 received 14 Apr 2026
Elevations MDC_BR_06 P3 received 14 Apr 2026
Planning Design and Access Statement Land Adjacent 83 Bath Road Rev 1 received 14 Apr 2026
Proposed ground floor plan MDC_BR_03 P1 received 16 Feb 2026
Proposed second floor plan MDC_BR_05 P1 received 16 Feb 2026
Biodiversity Net Gain Statement received 9 Feb 2026
Location Plan MDC_BR_02 P1 received 9 Feb 2026

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

3. Materials

No external above-ground works shall commence until details and samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

4. Joinery / Architectural Details

No external above-ground works shall commence until details of all external architectural elements have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- i. Windows and doors;
- ii. External joinery;
- iii. Rooflights;
- iv. Rainwater goods;
- v. Details of door recesses and ventilation features;

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

REASON: In the interests of the character and appearance of the area and the setting of nearby heritage assets.

5. Cycle storage

No development above damp proof course level shall take place until details of secure covered cycle parking for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the dwellings hereby permitted and shall always be retained for use thereafter.

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

6. Contamination

No development other than site clearance shall take place until a preliminary risk assessment (Phase 1) has been submitted to and approved in writing by the Local Planning Authority. This assessment shall identify:

- i. All previous uses of the site;
- ii. Potential contaminants associated with those uses;
- iii. A conceptual model of the site indicating sources, pathways and receptors; and
- iv. Potentially unacceptable risks arising from contamination.

If the preliminary risk assessment identifies potential risks, a site investigation scheme (Phase 2) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The scheme shall be designed to provide sufficient data to enable:

- i. An assessment of the nature and extent of contamination;
- ii. An assessment of the risks posed to human health, property, controlled waters and ecological systems; and
- iii. An appraisal of remedial options.

Where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved remediation scheme shall be implemented in full prior to occupation of any dwelling.

Following completion of any remediation works, a verification report shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that all necessary remediation has been carried out.

REASON: To ensure that the development is safe for its intended use, in accordance with Core Policies 55 and 56 of the Wiltshire Core Strategy and the National Planning Policy Framework

7. Unexpected Contamination

If, during development, contamination not previously identified is found, no further development shall take place until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the site is suitable for its intended use.

8. Obscure glazing

The first floor windows in the north-east and south-west side elevations of the dwellings hereby permitted shall be glazed with obscure glass to a minimum of Pilkington Level 3 (or equivalent) and shall be fixed shut or top-opening only.

The obscure glazing shall be retained and maintained thereafter in perpetuity.

REASON: In the interests of the residential amenity of neighbouring properties.

INFORMATIVE

Biodiversity Net Gain

The development hereby approved is subject to the statutory requirement for biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as amended).

The applicant is advised that, in accordance with this requirement, development may not lawfully commence until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority, demonstrating that the development will achieve a minimum 10% biodiversity net gain.