

23rd September 2024 Planning Agenda _____	2
AGENDA ITEM 07- Land at Blackmore Farm _____	6
AGENDA ITEM 07i- Sustainable Transport Response to Blackmore Farm application _____	7
AGENDA ITEM 9a- Planning appeal hearing 10th & 11th September _____	17
AGENDA ITEM 09(a) - draft s106 for Terra Strategic _____	21
AGENDA ITEM 09(a) - LPA Conditions Draft - comments for Terra - 120924 plus comments from MWPC 130924 _____	24
AGENDA ITEM 09(b) - Extract of minutes from Western Area Planning Committee re new school _____	33
AGENDA ITEM 9c- Land off Littleworth Lane TPO _____	43
AGENDA ITEM 10a- 52e Chapel Lane, Beanacre response from Environment Agency _____	48
AGENDA ITEM 10b- Objections to Planning Application at 35 Westlands Lane _____	52
AGENDA ITEM 11b- 489a Semington Road Certificate of Lawfulness _____	55
AGENDA ITEM 11c- Update follow resident request to developers RE vibration monitors _____	56
AGENDA ITEM 12b- Calculation for how many dwellings a carehome equates to _____	58
AGENDA ITEM 13ci- Letter to councillors - New Road Farm _____	59



MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Wednesday 18th September 2024

To all members of the Council Planning Committee: Councillors Richard Wood (Chair of Planning), Alan Baines (Vice Chair of Planning), John Glover (Chair of Council) David Pafford (Vice Chair of Council), Terry Chivers, Mark Harris and Peter Richardson

You are summoned to attend the Planning Committee Meeting which will be held on **Monday 23rd September at 7.00pm at Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

TO ACCESS THE MEETING REMOTELY, PLEASE FOLLOW THE ZOOM LINK BELOW. THE LINK WILL ALSO BE POSTED ON THE PARISH COUNCIL WEBSITE WHEN IT GOES LIVE SHORTLY BEFORE 7PM.

Click link here:

<https://us02web.zoom.us/j/2791815985?pwd=Y2x5T25DRIVWVU54UW1YWWE4NkNrZz09&omn=88361159649>

Or go to www.zoom.us or Phone 0131 4601196 and enter: **Meeting ID: 279 181 5985**

Passcode: 070920. Instructions on how to access Zoom are on the parish council website www.melkshamwithout-pc.gov.uk. If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

YOU CAN ACCESS THE AGENDA PACK HERE

Yours sincerely,

Teresa Strange, Clerk



Serving rural communities around Melksham

AGENDA

1. **Welcome, Announcements & Housekeeping**
2. **To receive Apologies and approval of reasons given**
3. **Declarations of Interest**
 - a) To receive Declarations of Interest.
 - b) To consider for approval any Dispensation Requests received by the Clerk and not previously considered.
 - c) To note standing Dispensations relating to planning applications.
4. **To consider holding items in Closed Session due to confidential nature**

Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of agenda items where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.
5. **Public Participation**
6. **To consider the following new Planning Applications:**

[PL/2024/07831](#): 24 Hercules Way, Bowerhill, Melksham, SN12 6TS: Change of Use from yard (storage facility) to car sales lot. Applicant: Mr. Spencer
(Comments by 7th October 2024)

[PL/2024/07429](#): Sandridge Park House, Sandridge Park, Sandridge Common, Melksham, SN12 7QU: Retrospective permission for subdivision of dwelling to form 1 no. 2 bedroom apartment to ground floor with associated amenity area and parking. Applicant: Mr. Selby
(Comments by 14th October 2024)
7. **Revised/Amended Plans/Additional Information:** To comment on any revised/amended plans/additional information on planning applications received within the required **timeframe (14 days)**.

[PL/2023/11188](#): Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS: Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access). Applicant: Gleeson Land Ltd
(Comments by 1st October 2024)

- i) To consider response from Wiltshire Council Sustainable Transport department on this application (but submitted to previous plans before this revised plans consultation)
8. **Lime Down Solar:** To note Planning Inspectorate 'Opinion' in response to the EIA (Environmental Impact Assessment) <https://bit.ly/4gpJgh9>
9. **Planning Appeals & Decisions**
- a) To receive feedback from Appeal Hearing 10th & 11th September and consider any additional correspondence with Wiltshire Council
 - b) To note approval of application for **Proposed Primary School**, Land at Pathfinder Way, Bowerhill. Reserved Matters application (PL/2023/08046) under outline permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision) **and receive feedback from attendance at the Western Area Planning Committee (4th Sept)**
 - c) To note that the Land off Littleworth Lane, Whitley Tree Preservation Order has been confirmed (TPO/2024/00011)
10. **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.
- a) **52e Chapel Lane, Beanacre (Planning Application PL/2023/05883)** Erection of three dwellings, with access, parking and associated works including landscaping.
 - b) **35 Westlands Lane, Beanacre (Planning Application PL/2024/05016)** To build three bedroom detached house. **To note correspondence from resident/s.**
11. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
- a) To note complaint received regarding excessive noise and breach of licence conditions at the New Inn public house, Semington Road
 - b) **489a Semington Road:** To note response received from Wiltshire Council to queries raised about next steps following the refusal of the Certificate of Lawfulness for the use of the annexe (if received)
 - c) **Land West of Semington Road, Melksham (Townsend Farm):** To note update following residents' request to developers to install vibration monitors on site.
12. **Planning Policy**
- a) **Melksham Neighbourhood Plan:** To receive an update.
 - b) To note calculation on how many dwellings a carehome equates in housing numbers
 - c) To consider review of NPPF (National Planning Policy Framework) response before submission (Deadline 24th Sept)

13. **S106 Agreements and Developer meetings:** *(Standing Item)*
- a) **Updates on ongoing and new S106 Agreements**
- i) **Pathfinder Place:**
- To note any update on outstanding issues and consider way forward.
- ii) **Buckley Gardens, Semington Road (PL/2022/02749: 144 dwellings)**
- To note any updates and consider a way forward.
- iii) **Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)**
- To note any updates and consider a way forward.
- iv) **Land South of Western Way for 210 dwellings and 70 bed care home (PL/2022/08504).**
- To note any updates and consider a way forward.
- v) **To note any S106 decisions made under delegated powers**
- c) **Contact with developers**
- i) **New Road Farm:** To receive notes from meeting held with Bloor Homes (if available) and to respond to public consultation
- ii) To note date of pre-app meeting arranged with Tor & Co and Martin Grant Homes

Copy to all Councillors

Teresa Strange

From: Sims, Steven <Steven.Sims@wiltshire.gov.uk>
Sent: 10 September 2024 14:52
To: Holder, Nick
Cc: Teresa Strange
Subject: PL/2023/11188 - Land at Blackmore Farm, Sandridge Common, Melksham - development of up to 500 dwellings

Dear Councillor

To advise we have received revised plans and details with regards the above development – mainly in connection with a new proposed access junction onto Sandridge Common Road from the development. Details on the council's web site dated 6/9/24.

I have requested a full re-consult so all relevant bodies and neighbours etc will have a chance to comment on the revised scheme.

Kind Regards

Steven Sims
Senior Planning Officer (Central Team)

Wiltshire Council

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MEMORANDUM

To: Development Management

From: Sustainable Transport

Ref: PL/23/11188

Ref: C/23/11188

Date: 27th August 2024

PL/23/11188 Demolition of agricultural buildings and development of up to 500 dwellings; up to 5,000 square metres of employment (class E(g)(i)) & class E(g)(ii); land for primary school (class F1); land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate the development of the site (Outline application relating to access)

This is an additional response and should be read in conjunction with previous responses

Submissions Reviewed

Transport Update Note August 2024

In drawing highways position comments from other consultees have been considered to establish the wider public benefit that may be achieved by these proposals. The definition of such benefit is taken from Highways Adoption (August 2022) as '*Wider Public Benefit (public utility) - Each local authority should illustrate to applicants how they view this. Through roads and those that serve public buildings and destinations may be seen as having greater wider public benefit while residential cul-de-sacs would have limited if any such utility as they only benefit the residents who live there and no third parties or through movements.*'

This response has been provided under the context of Chapter 9 of the National Planning Policy Framework – 'Promoting Sustainable Transport'.

Relevant Planning & Guidance (Sustainable in Transport Terms)

National Planning Policy Framework – December 2023
Wiltshire Core Strategy
Joint Melksham Neighbourhood Plan
National Design Code
LTN1/20 – Cycle Infrastructure Design
Wiltshire Active Travel Design Standards
Wiltshire Active Travel Parking Standards
Manual for Streets
Wiltshire Draft LCWIP Calne and Melksham (under Consultation)
Wiltshire Design Guide
Wiltshire Highways Asset Management Policy – Aug 2019
Wiltshire Highways Asset Management Strategy – Aug 2019

Consideration is also given to the Regulation 19 stage emerging Local Plan and Policy 18 which relates specifically to this land. Whilst in planning terms the weight of the policy is a matter for the local planning authority consideration is given to the construct of the policy and the intended built form outcomes for access and movement and how these are supported by national guidance on design of places and highways interventions.

Relevant Planning Policy & Guidance

NPPF

The NPPF, as updated and published in December 2023, makes the position in relation to highways and transport as matters to be considered in the determination of planning applications.

115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

116. Within this context, applications for development should:

(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

(b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

(c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

(d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

(e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Joint Melksham Neighbourhood Plan

The Joint Melksham Neighbourhood Plan was adopted in July 2021.

Relevant policies in relation to this application include policy 11 'Sustainable Transport and Active Travel' as copied below:

'All developments must be planned in line with the Sustainable Transport Hierarchy. Applications for major development must demonstrate through an effective Travel Plan (in accordance with Wiltshire Core Strategy Core Policy CP61) how sustainable transport modes are maximised and that safe and suitable movement can be achieved for all people. As a key element in the local sustainable transport network, proposals that would achieve further improvements to the accessibility and quality of

the links between the wider town and Melksham Railway Station will be supported. Improvements to the quality of the public realm around the station, will also be supported.'

Wiltshire Core Strategy – Adopted January 2015

The Core Strategy establishes Melksham as a market town which is defined as '*Outside the Principal Settlements, 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. 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.'*

The definition of market town between the adopted WCS and the emerging local plan is unchanged.

The application site has no allocation in the WCS. In transport terms policies CP60 and CP61 have significance.

Core Policy 60 – Sustainable Transport

'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 within and through Wiltshire. This will be achieved by:

- i. planning developments in accessible locations*
- ii. promoting sustainable transport alternatives to the use of the private car*
- iii. maintaining and selectively improving the local transport network in accordance with its functional importance and in partnership with other transport planning bodies, service providers and the business community*
- iv. promoting appropriate demand management measures*
- v. influencing the routing of freight within and through the county*
- vi. assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment.'*

Core Policy 61 – Transport and New Development

'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. As part of a required transport assessment, the following must be demonstrated:

- i. That consideration has been given to the needs of all transport users, where relevant, according to the following hierarchy:*
 - a. Visually impaired and other disabled people*
 - b. Pedestrians*
 - c. Cyclists*
 - d. Public transport*
 - e. Goods vehicles*
 - f. Powered two-wheelers*
 - g. Private cars.*
- ii. That the proposal is capable of being served by safe access to the highway network.*

iii. That fit for purpose and safe loading/unloading facilities can be provided where these are required as part of the normal functioning of the development.

Where appropriate, contributions will be sought towards sustainable transport improvements, and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements.'

National Design Guide

The following definitions relate to built form within the National Design Guide:

'Accessibility: The ability of people to move around an area and reach places and facilities, including older and disabled people, those with young children and those carrying luggage or shopping.

Compact form of development: Development that is planned with a relatively high residential density and an urban layout. Community facilities are closer to one another and their users, preserves more open landscape, and makes efficient use of land and resources.

Walkable: Local facilities are within walking distance, generally considered to be no more than a 10-minute walk (800m radius).

Destinations: Places or facilities that people want to visit. In a neighbourhood these may be transport hubs, open spaces, local services such as schools, shops, healthcare or community facilities.'

The Wiltshire Highways Asset Management Policy

'Wiltshire Council is committed to adopting the principles of asset management and will take a long term view when making maintenance and investment decisions. The asset management approach will deliver value for money and maximise the benefits for future prosperity by ensuring the right investment decisions are made. It will assist in targeting resources and managing risks associated with the statutory duties to maintain the highway infrastructure'.

The adopted asset management strategy states 'The Council understand the importance that growth and development has for the future of the local area and economy. There is a need to ensure that any new development or change of use promoted through the planning process fully considers the impact on the existing highway network and its future maintenance.'

General Observations

Each planning application should be assessed on its own merits. When considering the impacts on highways maintainable at public expense there are two overall perspectives. The first perspective sits in isolation to the impacts of the proposed development, whether the proposals are safe and suitable in highways terms. The second perspective relates to the residual cumulative impacts on the road network of the proposed development would be severe. This second perspective carries some burden of understanding what the existing and future positions would be of accepting individual applications as 'safe and suitable' but consequently creating a residual issue that over time could be demonstrated as becoming severe. It is also relatively unclear in planning and law what definition the word 'severe' carries within the

context of the NPPF. Therefore, there is an expectation for the decision maker to exercise judgement. Notably in planning, whilst the statutory consultee provides position and recommendations the final decision in planning sits with the Local Planning Authority.

Examples of 'severe' may be accepting forms of infrastructure that are too costly to maintain, creating or intensifying capacity issues to unacceptable levels, unmitigated loss of context and character or failure to provide infrastructure to modern standards for current and future population levels. It should not be the case that an authority should be unknowing in the creation of a new residual cumulative impact or advise on decisions that have some level of negative impact on further planning opportunities because of decisions relating to the public highway.

The definition of safe and suitable in highways planning terms is generally accepted as being shown as safe, by establishing the previous 5 years recorded accident history and being suitable under the umbrella of design documents that provide engineering principles for highways design. However, there is a need to recognise that there is little position on the method of selection of new types of infrastructure in planning terms. For example, a new junction could be broadly safe and suitable in many forms:

- Simple T Junction
- Ghost Lane Junction
- Staggered Junction
- Roundabout
- Signalised Junction

In each location any one of these junction types could be the acceptable outcome, but each junction carries with it a nuance of residual cumulative impact creation. For example, some junction types limit future vehicle capacity, others are more costly to maintain year on year, and some offer greater priority to vehicles over walking and cycling.

In that regard, when responding to the context and character of a location, along with planning policies and adopted highway strategies and plans there must be a considered approach to understand the opportunities and constraints created by a development even if it satisfies the general principle of being safe and suitable.

Local Character and Context

When considering the area of Melksham and reviewing the potential for further development and looking at Policy 18 from the emerging local plan it is clear from a planning and highways position that if development was found to be appropriate on the site that access would be best served from Eastern Way.

When looking at Eastern Way and the way in which the infrastructure has been formed, including the roundabouts with Cranesbill Road and Skylark Road, there is no doubt that if development was to be established to the east then these junctions should form the direct access into that land by creating an additional arm on those roundabouts.

In the sense of looking at the position of the land, availability of highways areas, relationship to the rest of Melksham in terms of securing walking and cycling through existing infrastructure and residential areas and use of existing infrastructure based

on its observable quality then all future access would be best served from Eastern Way. For reference, Eastern Way is being observed as a better standard of road than the A3102 Sandridge Common Road, in terms of overall design regardless of the highway classification system.

Whilst all future access would be best served from Eastern Way, allowing for the best use of existing infrastructure there would have to be recognition to the classification of the A3102 and that as part of the local primary highway network, access to and from this route could reduce movements on other parts of the network. However, in Wiltshire the assets of Eastern Way and A3102 Sandridge Common Road are measured as being the same and maintained under the same definition as Main Distributor.

Considering all vehicle access, including movement and distribution access, all future development to the east would be best supported from Eastern Way, including public transport and servicing. Specifically, reliance on making use of residual capacity in existing junctions would outweigh creation of a new junction whilst retaining the existing infrastructure in-situ. It also needs to be considered if the mitigation proposals for a site in anyway undermine the future potential for best use of existing infrastructure or make the works more costly.

However, as has been noted there is a requirement to consider each application on its own merits and whether the residual cumulative impacts would be severe. On this basis, comments on specific matters or issues related to this specific application will be addressed within the remainder of this response.

Access Proposals – Main Vehicle Access

The application initially proposed a roundabout access into the site from A3102 Sandridge Common Road which was not supported by the highway authority. The site area and proposed main vehicle access location essentially rule out any future opportunity to make use of the Skylark Road roundabout for increases in capacity demand and direct access for vehicles. In essence, one existing asset which could serve the development proposals will remain underutilised and a completely new access is proposed onto the A3102.

The most noteworthy consequence of vehicle access being solely served from the A3102 is that bus services would need to use this route to access the site and would introduce a new route section to do so.

The concerns relating to a roundabout form of access were noted in the previous response and have been addressed thoroughly within the technical note and a revised form of access has been provided.

In planning terms, the ghost island arrangement provided is acceptable, subject to a detailed technical approval. Although there do not appear to be any matters that would result in the approved form of junction being a significant departure from the submitted drawings it should be noted that the design has not been subject to technical design checks or independent road safety audit at this time.

The form of access as 7.3m wide with 2m footways on both sides will be a significant change to the highway and will impact the context and character of the rural section of highway. The overall design will be able to ameliorate some of the harshness that would come from an urbanesque residential bellmouth in the open countryside and is considered to be less harsh than the original roundabout proposal.

There is consideration for the 40mph speed limit along this length and retaining driver understanding of the appropriate and set speeds in this environment. The proposal seeks to provide a 2m wide footway along the southern side of A3102 Sandridge Common Road and tie this into Eastern Way. As a result, there will be some change to the impression and point on Sandridge Common Road where there is a clear change from the urban elements of Eastern Way to the rural character of the A3102.

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

Movement inc Walking and Cycling

The proposed development is a mixed use of commercial, residential and education facilities. In that regard the development will result in trips both to and away from during the peak periods of each associated use.

If the development was wholly residential it would be the case that there would be limited attraction towards the development and that most initial trips would be outbound. As a place offering employment and education there is a greater movement relationship with the wider area.

The note has identified that for travel purposes some alternative use elements form part of the site. However, it is not possible to address how much employment on site could or would be taken up by future residents. It is easier to foresee that education trips may result in internal trips. However, that does not necessarily infer that outbound trips for other purposes would not be required.

If the internal elements are discounted then all other trips away from the site by walking, wheeling or cycling require journey distances greater than the comfortable walking distance (800m). Of the remaining sites half are within 'reasonable' walking distance (1600m) and the remainder are within the maximum walking distance (3200m).

Overall, the site location and distance to facilities is a concern in terms of the site promoting walking and cycling as genuine choice for trips for all purposes. It is recognised that this is, in part, an outcome of periphery development which has the weakest relationship, by distance, with existing facilities. As overall distance to key facilities increases there would have to be an observation that the overall quality a facility offers may be a lesser factor in determining method of travel choice than the associated distance and attributable journey times.

Whether a site is sustainable in transport terms is more subjective than qualitative. In a sense of location, the proposed site sits outside the reasonable zone of walking distance for a significant number of identified facilities, which all sit to the west. There is likely to be a reliance on private car use where available. When looking at the wider geography consideration is given to the Bowerhill Area and its reliance on wider facilities within Meklsham and its distance from them.

In terms of supporting development that offers a genuine choice of travel mode, it must be recognised that the distance from facilities is a clear factor in mode choice. However, with the introduction of bus services and improvements to walking and cycling routes it has to be considered that the proposed scale of development provides a good offer to encourage walking and cycling to those where the full choice of travel modes is available.

If further development was to occur to the east of Eastern Way there would need to be a wider range of facilities to allow internal trips and increase the movement relationship between the two areas. Whilst 500 dwellings is significant with the mixed employment and education offer the initial elements support wider planning policy for growth in this location.

However future development would need to recognise the limitations due to the distance to other essential facilities currently not offered within acceptable walking distance.

Public Transport

In negotiation with WCC the development is supported with a contribution for a once hourly bus service that will enter the site. The contribution for £750,000 would support a single bus and driver for a period of up to 5 years before the service would need to be self-sustaining. There is some observation on the scale of the development and route time to enter the site, but these are matters that will resolve themselves upon creation of the route and establishing its long term viability beyond the initial contribution period

Currently the first payment is intended prior to occupation of the first dwelling and then on each yearly anniversary. Whilst not intended as such, the timing is unclear and for an undeterminable period between any consent and first occupation.

Whilst the provision of a bus service is accepted, the inherent requirement would be routes that the buses can make use of and understanding whether first provision of the service is useful and meaningful from the first residential occupation. There are also the matters relating to timing of employment and education and seeking to gain the most benefit from the first five operational years of any new bus service.

The contribution offer is accepted but the timing and best use of the contribution in terms of long term sustainability should be reviewed as part of any agreement should the development be approved.

Trip Rates and Modelling

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

Travel Plan

The submitted Framework Travel Plan and updated note essentially rely on the provision of a £300 voucher to the first occupant of any dwelling with the offer terminating on last occupation.

It is difficult to gauge the uptake or potential success of a voucher scheme. It is considered that the overall available fund of £150,000 is unlikely to be taken up. Given that there is potential for a considerable sum to remain after final occupation the remaining sum should be re-directed towards identified LCWIP and LTP schemes within the Melksham area.

Layout and Reserved Matters

Whilst matters relating to layout including internal roads are to be a reserved matter of any approval it is possible to foresee that parking as a combination of residential, employment and school use on a single site could result in parking issues that could be avoided or resolved prior to the acceptance and adoption of any potential layout.

To suitably mitigate the concern a parking management strategy will be required as a condition to inform how layout and any future restrictions and associated enforcement are resolved as part of private or public matters.

Secured works and Transport contributions

Section 4 of the technical note captures the list of drawings, conditions and contributions that can be secured along with this development if it is recommended for approval.

The following conditions are also recommended for any approval:

Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: [delete or add items as necessary]

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

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Parking Management Plan

No development of any phase or use on the site shall commence until details of a Parking Management Plan have been submitted to and approved in writing by the Local Planning Authority for the relevant phase or use. The Car Parking Management Plan must include details of parking, waiting restrictions and hours of operation, and on-site parking enforcement. The development shall not be carried out other than in accordance with the approved plan

Highways Position

The Local Planning Authority should consider the impact of the proposed development significantly reducing the opportunity for future development access and growth from the Skylark Road roundabout onto Eastern Way.

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

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

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

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

In terms of this application on its own merits the highway authority considers, having highlighted a number of potential matters, that it has no objection subject to the required conditions, contributions and highways works as proposed.

Chris Mead
Sustainable Transport
Email: christopher.mead@wiltshire.gov.uk

Marianne Rossi

From: Teresa Strange
Sent: 12 September 2024 14:44
To: O'Donoghue, Ruaridh
Cc: Thomas, Nic; Clampitt-dix, Georgina; Roe, Christopher; Jonathon. Seed (jonathon.seed@wiltshire.gov.uk)
Subject: RE: Melksham Planning Appeal - Urgent

Dear Nic

Many thanks for Ruaridh taking the time to reply to this correspondence. Melksham Without Parish Council met on Monday evening and reviewed the response and were heartened to see that the current and emerging Neighbourhood Plan were taken into account. As you may be aware we also attended the hearing as suggested and were pleased to be able to raise suggestions regarding conditions and s106 obligations that the Inspector asked to be included.

With regards to the decision not to defend, the parish council understand that a decision had to be made quickly following the Westbury appeal but still contend that as the made Neighbourhood Plan is part of the Development Plan that they should be consulted in the decision making process; and at the very least, should be notified of the decision and the reasons why. In this case, we were informed by Cllr Seed, the ward member, whereas at the appeal for the Hallam Land site at land south of Western Way, the first we heard was once the inquiry had started.

We also note that the Melksham Neighbourhood Plan was not mentioned in the reply to the EIA scoping document for Lime Down for example, and we commented on the Reg 19 consultation that whilst the Link Officer has provided good service in his role, he has not been empowered by Wiltshire Council to share necessary evidence or engage with the NHP Steering Group within a collaborative process (contrary to NPPG para 009*).

The parish council, particularly those in the role of volunteers spending a lot of time, effort and commitment working on the Neighbourhood Plan, do feel that Wiltshire Council should engage and communicate better with qualifying bodies in respect of decisions made regarding planning appeals in their area.

* NPPG para 009;

"The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination."

Regards,
Teresa

Teresa Strange
Clerk & Responsible Financial Officer
Melksham Without Parish Council
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From: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>

Sent: 04 September 2024 11:38

To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Cc: Thomas, Nic <Nic.Thomas@wiltshire.gov.uk>; Clampitt-dix, Georgina <georgina.clampitt-dix@wiltshire.gov.uk>; Roe, Christopher <Christopher.Roe@wiltshire.gov.uk>

Subject: RE: Melksham Planning Appeal - Urgent

Dear Teresa,

I have been asked to respond to your email on behalf of our Director. I can fully appreciate the disappointment that was felt upon receipt of the news. It is certainly a decision that the Council would not like to have had to make but, as Nic set out in his email to you, there is a duty to protect the council's interests in this type of situation.

In seeking advice on whether to defend the case with Counsel the opinions of several officers at the Council was sought, as well as the Planning Consultant we are using in this appeal, and it was felt that the case we had was not one we could defend in light of the housing land supply position. The Neighbourhood Plan (NP) was indeed a consideration from the outset of this appeal and so some of the conclusions I draw below were not specifically made the other day but earlier in the Council's formation of its case. At the outset it was noted that we were in a very similar situation as with the last appeal on this site for application 20/07334/OUT i.e., the provisions of paragraph 14 of the NPPF applied and the scheme was delivering 100% affordable housing (AH). It was therefore of significance relevance to this appeal to see how the Inspector had addressed this matter in the previous appeal (attached FYI).

In the 30th May 2022 decision, the Inspector agreed that Paragraph 14 of the NPPF was engaged. He also identified that due to the sites location it would conflict with Policy 1 and 6 of the NP (see para 63).

"Policy JMNP1 supports development that would contribute to Wiltshire becoming carbon neutral. Given the site's location beyond the settlement boundary the proposed scheme would conflict with this. Policy 6 of the JMNP requires new development to be within the defined settlement boundaries. Although the settlement boundaries are reflected in Policy CP2 they were reviewed as part of the JMNP as the residual housing requirement for Melksham and Bowerhill village had already been met²¹. Again the appeal scheme conflicts with these policies."

However, despite this conflict, the Inspector went on to conclude at para 69 that:

"...the level of harm would be limited given its location which allows good access to services by a genuine choice of transport modes."

Overall the Inspector concluded in the planning balance at para 101 that:

“I recognise the central importance of Neighbourhood Planning to both Government and the Council. Paragraph 14 of the Framework advises that for housing schemes, the adverse impact of allowing development which conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. I heard representations on behalf of the Parish Council on the importance of the JMNP to the community. However, the harm arising from the conflict with policies on both the settlement boundary and landscape, are clearly outweighed in this case by the pressing need for affordable housing.”

With regards Melksham NP 1 we now considered ourselves to be in exactly the same position as with the last appeal in that:

- para 14 of the NPPF is engaged;
- the same policy conflict arises with the NP (Policies 1 and 6);
- there is still a pressing need for AH within Melksham and the wider authority; and,
- we are unable to demonstrate the required housing land supply.

As such, a decision was reached that we would not be able to defend the case on the grounds of conflict with Melksham NP 1. We found difficulty in trying to see how a different conclusion to the previous Inspector's one could be reached. Consideration was also given to the lack of landscape objection in this current appeal and the materiality of the extant permission on the other half of the field (circumstances different to the last appeal). As such, you may have noted in the Council's Planning Proof of Evidence (PoE) the extent to which this issue was addressed and already ascertained it would not be central to the Council's case. I attached the PoE for ease of reference.

Turning to Melksham NP 2, I note you state it is at Regulation 14 stage. However, a draft NP at Regulation 14 stage would normally be given limited weight as the LPA have not seen the extent of any resolved objections and compliance with the local plan and national policy have not yet been tested. As such, it was considered that the NP 2 was not at a stage where enough weight could be attached to it such that it would have the potential to impact upon the case. As a result, your attention is again drawn to the Planning PoE where you will note the NP 2 has not been referred to in the Council's case.

FYI, our Planning Consultant (Andrew Burgess) who wrote the PoE was in communication with our Counsel throughout the drafting. Counsel of course were advising on the content and, were it thought to be pertinent to our case, would have suggested to Andrew that it be included.

Whilst I appreciate the Council's decision is of some disappointment to you, I trust the above demonstrates that the Council has considered the Melksham NP 1 and 2 throughout this appeal and in its recent decision not to defend it.

Please note that the Council's decision not to defend its case does not in any way affect the Parish Council's or indeed any local person/s ability to make their representations at the appeal to the Planning Inspector. You are of course free to raise your concerns about the conflict with the current and emerging NP when invited to do so at the appeal. Any comments you or others wish to make will of course be open to questioning by the appellants/Planning Inspector - so do bear that in mind. That said, in my experience, there is always the understanding that Parish Council's and third parties are not planning professionals and any questioning is often on the kinder side than we as LPA would receive!

Kind regards,

Ruaridh O'Donoghue BA (Hons) MA TP
Principal Planning Officer
Development Management

Wiltshire Council

Tel: 01225 716761

Email: ruaridh.odonoghue@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Sent: Monday, September 2, 2024 10:13 PM

To: Thomas, Nic <Nic.Thomas@wiltshire.gov.uk>

Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Botterill, Nick <Nick.Botterill@wiltshire.gov.uk>; Greenman, Howard <Howard.Greenman@wiltshire.gov.uk>

Subject: RE: Melksham Planning Appeal - Urgent

Dear Nic

Melksham Without Parish Council met this evening and were very disappointed to hear this news.

The Melksham Neighbourhood Plan 1 was adopted in July 2021 and still has its 5 year protection under Paragraph 14 since the changes to the NPPF in December 2023.

The draft Melksham Neighbourhood Plan 2 has just had its second Reg 14 consultation, which finished on 22nd August, and may have some weight in the tilted balance as allocating a significant number of dwellings, some 200+ more than is required/indicated by the draft Local Plan.

The parish council asks if these points were considered at your meeting today with your counsel; and if not, would question if your decision to not defend this appeal was potentially not sound.

Regards,

Teresa Strange

Clerk & Responsible Financial Officer

Melksham Without Parish Council

First Floor

Melksham Community Campus

Market Place, Melksham

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From: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>

Sent: 02 September 2024 16:32

Teresa Strange

From: Teresa Strange
Sent: 12 September 2024 13:06
To: Cllr David Pafford (david.pafford@melkshamwithout-pc.gov.uk); Councillor Alan Baines (alan.baines@melkshamwithout-pc.gov.uk); Councillor John Glover (john.glover@melkshamwithout-pc.gov.uk); Councillor Mark Harris (mark.harris@melkshamwithout-pc.gov.uk); Councillor Richard Wood (richard.wood@melkshamwithout-pc.gov.uk); Councillor Terry Chivers (terry.chivers@melkshamwithout-pc.gov.uk); Martin Franks; Peter Richardson
Subject: FW: S.106 Agreement Land to the West of Semington Road, Melksham, PL/2021/08155 Ref 150232 [GOWLG-LEGAL02.676916.2766172]
Attachments: Melksham 2 - S.106 Agreement (track) 11.09.24(111604936).docx

For info, (for those of you that like the detail!)

Draft s106 IF the planning inspector approves the application.

The two changes that we managed to get in there are the Active Travel contribution on page 2 being for an alternative footway if the pathfinder school doesn't go ahead (didn't want to have the money going back to the developers) and the option of taking on the play area which is what you have requested.

All the best, Teresa

From: Teresa Strange
Sent: 12 September 2024 12:58
To: Thomas, Alwyn <Alwyn.Thomas@wiltshire.gov.uk>; O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Newitt, Julie <Julie.Newitt@wiltshire.gov.uk>; Noyce, Mary <Mary.NOYCE@wiltshire.gov.uk>
Subject: RE: S.106 Agreement Land to the West of Semington Road, Melksham, PL/2021/08155 Ref 150232 [GOWLG-LEGAL02.676916.2766172]

Many thanks for copying me in Alwyn.

Happy with the change made to reflect below, the parish council would like first refusal on the play area please which this would cover.

Many thanks, Teresa

Teresa Strange
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From: Thomas, Alwyn <Alwyn.Thomas@wiltshire.gov.uk>
Sent: 12 September 2024 09:11
To: O'Donoghue, Ruaridh <Ruaridh.O'Donoghue@wiltshire.gov.uk>; Newitt, Julie <Julie.Newitt@wiltshire.gov.uk>; Noyce, Mary <Mary.NOYCE@wiltshire.gov.uk>
Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: FW: S.106 Agreement Land to the West of Semington Road, Melksham, PL/2021/08155 Ref 150232 [GOWLG-LEGAL02.676916.2766172]
Importance: High

Dear All,

Please find attached track changes for your information with respect to AH and OS provisions in the S.106 Agreement that the Inspector requested following the roundtable session at the Public Inquiry yesterday, they will all be accepted by me, and I will respond back to the solicitor later on.

I have copied in Teresa from Melksham Without Parish Council as the PC would like to take on the play area.

Thanks in advance.

Kind Regards,

Alwyn K Thomas
Solicitor Level 2 (Property & Planning)
Legal Services

Wiltshire Council

Tel: 01225 713672

Email: Alwyn.Thomas@wiltshire.gov.uk

Website: www.wiltshire.gov.uk

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Reference: 150232 / 04043803

From: Laura Cottam <laura.cottam@gowlingwlg.com>
Sent: Wednesday, September 11, 2024 5:17 PM
To: Thomas, Alwyn <Alwyn.Thomas@wiltshire.gov.uk>; Richard Thurling <richard.thurling@gowlingwlg.com>

Cc: Romain, Ginnie <Ginnie.Romain@wiltshire.gov.uk>

Subject: RE: S.106 Agreement Land to the West of Semington Road, Melksham, PL/2021/08155 Ref 150232 [GOWLG-LEGAL02.676916.2766172]

Hi Alwyn

Pleasure to meet you as well.

Further to our discussion earlier, please see attached the S106 with the amendments we discussed in track changes for your approval. Once you've confirmed tomorrow that this is all agreed, I'll get it agreed with the landowner's solicitor, then we can replace the relevant pages and send the engrossments back to you for sealing by the Council.

Have a lovely evening.

Kind regards

Laura

Laura Cottam | Associate | Real Estate Group | Gowling WLG (UK) LLP | +44 (0)7775 959476
Gowling WLG (UK) LLP, Two Snowhill, Birmingham, B4 6WR

From: Thomas, Alwyn <Alwyn.Thomas@wiltshire.gov.uk>

Sent: Wednesday, September 11, 2024 3:03 PM

To: Laura Cottam <Laura.Cottam@uk.gowlingwlg.com>; Richard Thurling <Richard.Thurling@uk.gowlingwlg.com>

Cc: Romain, Ginnie <Ginnie.Romain@wiltshire.gov.uk>

Subject: RE: S.106 Agreement Land to the West of Semington Road, Melksham, PL/2021/08155 Ref 150232 [GOWLG-LEGAL02.676916.2766172]

This message originated from outside your organisation. alwyn.thomas@wiltshire.gov.uk

Hi Laura,

Thank you.

Pleasure meeting you today at the Public Inquiry and I hope you had a safe journey back.

I will deal with any correspondence when I'm back in the office tomorrow morning.

Thanks in advance.

Kind Regards,

Alwyn K Thomas
Solicitor Level 2 (Property & Planning)
Legal Services

Wiltshire Council

Tel: 01225 713672

Email: Alwyn.Thomas@wiltshire.gov.uk

Website: www.wiltshire.gov.uk

DRAFT CASE OFFICER'S REPORT Proposed Final Conditions
Following the Inquiry Conditions Roundtable

SITE ADDRESS: Land to the West of Semington Road, Melksham, Wilts
PROPOSAL: Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved

Conditions: (20)

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

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

- 2 An application for approval of the reserved matters specified in Condition 3 below, must be made to the Local Planning Authority before the expiration of two years ~~from from~~ the date of this permission.

Commented [TS1]: Parish Council happy with the change from three to two years, as discussed at the Round Table discussion

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

- 3 No development shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase, unless otherwise agreed by the Local Planning Authority.

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

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

- Dwg Reg: 3888 - 01A - Location Plan
- Dwg Ref: MSW-BWB-ZZ-XX-DR-YE-0001_Ecological Parameters Plan_S2_P02 - Ecological Parameters Plan
- Dwg Ref: Drg No 3888 - 02 Rev B - Parameters Plan
- Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWBZZ-XX-RP-E-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting
- Biodiversity Net Gain Assessment, Document Number: MSW-BWB-ZZ-XX-RP-LE-0004_BNGP2, Rev: P02, Date: October 2023 by BWB Consulting

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

5 The development hereby permitted shall be carried out in general accordance with the design and layout principles in the following:

- Design and Access Statement dated August 2022

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

6 The development hereby permitted shall make provision for the following:

(a) Up to 53 dwellings;

~~(b) Public open space to be sited, laid-out and equipped in accordance with the West Wiltshire Leisure and Recreation DPD (or any subsequent replacement DPD); and to include at least 1851.18 sq m of general public open space and at least 93.81 sq m of equipped play space.~~

~~The 'layout of the development' (as to be submitted and approved under condition no. 3) shall accommodate the above in accordance with the Parameter Plan (no. 3888-02 Rev B).~~

Commented [JR2]: On reflection, the Appellant doesn't consider that this is necessary given the provisions for open space and play secured through the S106 and the need for RM to come forward in accordance with the parameter plan. The S106 requires the open space and play on site to be in place before 70% occupation, so negates the need for phasing.

Commented [TS3R2]: Parish Council would prefer this to remain. From past experience on many other developments the public open space secured through s106 is often very late and not in accordance with s106 triggers and so this condition is welcome. (Evidence from Taylor Wimpey application planning application 16/01123/OUT 17/06285/REM 18/04477/REM where POS is still outstanding despite full occupation over a year ago).

Commented [TS4R2]:

~~Prior to commencement of the development, a programme, or phasing plan, for the delivery and completion of the dwellings and the public open space(s) shall be first submitted to, and approved in writing by, the local planning authority. The dwellings and the public open space(s) shall then be delivered and completed in accordance with the approved programme.~~

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

- 7 No development shall commence on site until a scheme for the discharge of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- a) a sensitivity analysis has been undertaken on the network considering surcharged outfall conditions;
 - b) overland exceedance routes have been shown on a drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event;
 - c) clear arrangements are in place for ownership and ongoing maintenance of SuDS over the lifetime of the development;
 - d) submit calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment; and,
 - e) Additional groundwater monitoring should be undertaken during the winter months to establish peak seasonal levels.

~~The development shall be carried out in accordance with the approved details prior to first occupation of the dwellings hereby approved.~~

REASON: To minimise the risk to people and property during high return period storm events, to ensure that the surface water drainage performs as designed, to avoid flooding due to lack of maintenance and to prevent pollution of the receiving watercourse.

- 8 Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include:
- a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 3.1 report (Biodiversity Net Gain Assessment, Document Number: MSW-BWB-ZZ-XX-RP-LE-0004_BNGP2, Rev: P02, Date: October 2023 by BWB Consulting).

b) Management responsibilities and maintenance schedules for each ecological feature within the development for a period of no less than 30 years from the commencement of the scheme as identified in:

- Ecological Parameters Plan, Drawing ref: MSW-BWB-ZZ-XX-DR-YE- 0001, Rev: P02, Date: 26.10.2023 by BWB Consulting

- Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWB-ZZ-XX-RP-LE-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting

c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).

d) A procedure for review and necessary adaptive management in order to attain targets.

e) Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved prior to first occupation of the dwellings hereby approved.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

9 The development hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

i. An introduction consisting of a construction phase environmental management plan, definitions and abbreviations and project description and location;

ii. A description of management responsibilities;

iii. A description of the construction programme;

iv. Site working hours and a named person and telephone number for residents to contact;

v. Detailed Site logistics arrangements;

vi. Details regarding parking, deliveries, and storage;

vii. Details regarding dust mitigation;

viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc;

x. Details of how surface water quantity and quality will be managed throughout construction;

xi. Details of the safeguarding measures to deal with the following pollution risks:

- the use of plant and machinery
- wheel washing and vehicle wash-down and disposal of resultant dirty water
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes

xii. Details of safeguarding measures to highway safety to include:

- A Traffic Management Plan (including signage drawing(s))
- Routing Plan
- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.
- Details of any site access required for construction purposes

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Pre-development species surveys where necessary
- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. protection fencing.
- Working method statements for protected/priority species, such as nesting birds, reptiles, amphibians, roosting bats, otter, water vole, badger and dormice with regular monitoring.
- Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Commented [TS5]: Parish Council welcomes this addition it requested, as the site access for the adjacent site (Phase 1) with the same developer/owner is currently a matter of planning enforcement

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

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

- 10 No development shall commence on site until a Phase II Ground Investigation report has been submitted to and approved in writing by the Local Planning Authority. The report should address the issues raised in Section 9 of the Phase I Desk Study by Georisk Management dated July 2022.

Any identified mitigation measures within the Phase II Ground Investigation report shall be carried out prior to first occupation of the dwellings hereby approved.

REASON: In order to reduce the risks associated with land contamination in accordance with Core Policy 56 of the Wiltshire Core Strategy.

- 11 Prior to the commencement of construction, an Air Quality Assessment (AQA) or Screening Assessment must be submitted to and approved in writing by the Local Planning Authority. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy-based development in the development's locality. Use of CUREd data in the AQA is expected along with any other currently accepted approaches to AQA.

REASON: In order to comply with Core Policy 55 which 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.

- 12 Prior to submission of any of the reserved matters, a scheme of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise mitigation shall be in accordance with the mitigation measures detailed in Section 5 of the submitted Noise Impact Assessment by BWB dated 22nd August 2022 and maintained for the lifetime of the development.

REASON: To protect the amenities of the future occupants of the development site from noise generated by the A350 (Western Way).

13

No residential unit shall be occupied until those parts of the Residential Travel Plan capable of being implemented prior to occupation of each dwelling have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the last residential unit.

REASON: In the interests of reducing the amount of private car movements to and from the development.

- 14 No residential unit shall be occupied until the vehicular access to Semington Road granted approval under planning permission 20/07334/OUT has been provided to base course level including its visibility splays. The access shall have been completed to wearing course level prior to occupation of the 50th dwelling served by it.

REASON: In the interests of safe and convenient access to the development.

- 15 Prior to the occupation of the 20th dwelling unit hereby approved, a walking link 2 metres wide shall be provided between the roads on the development and Berryfield Lane in accordance with Drg No 3888 - 02 Rev B - Parameters Plan. The link so provided shall thereafter be maintained and kept available for use for the lifetime of the development.

REASON: In the interests of good pedestrian accessibility.

- 16 The landscaping scheme submitted for the development shall include intensive and impenetrable landscaping on the northern boundary.

REASON: To prevent indiscriminate access from the public open space on the northern side of the development to the A350 with its high traffic flows and lack of pedestrian facilities.

- 17 The dwellings shall be constructed to meet as a minimum the higher Building Regulation standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change in the interests of sustainability, and to use natural resources prudently in accordance with the National Planning Policy Framework.

- 18 No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

- 19 The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

- Biodiversity Enhancement Management Plan (BEMP), Document Number: MSW-BWB-ZZ-XXRP-LE-0003_BEMP, Rev: P02, Date: 19/10/2023 by BWB Consulting.

The installation of these features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be available for wildlife for the lifetime of the development.

REASON:

To mitigate for impacts to biodiversity arising from the development.

Commented [JR6]: The Inspector asked if this was needed given the LEMP condition (condition 8) which reference this same plan and requires measures in the LEMP to be implemented. Does condition 8 negate the need for this condition, or could condition 8 be amended slightly to avoid the need for 2 conditions?

Informatives: (3)

20 **Protected Species**

~~The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2017) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.~~

Commented [JR7]: Deleted only because the Inspector, if he allows the appeal, would only include conditions, and not informative.

Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

21 Drainage MADD Factor

Within the calculations, the MADD factor / Additional storage volume must be set to zero. If a value other than 0m³/ha is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate.

- 22** The applicant is encouraged to work with the developer of the adjoining land which also benefits from planning permission, this to achieve potentially better and comprehensively planned public open spaces, play areas, etc... Wiltshire Council would work proactively with both parties to facilitate such potential improvements to both developments.

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 4 SEPTEMBER 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Ernie Clark, Cllr Andrew Davis, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Pip Ridout, Cllr David Vigar, Cllr Tony Jackson (Substitute), Cllr Gordon King (Substitute), and Cllr Mike Sankey (Substitute)

Also Present:

Cllr Nick Holder

58 Apologies

Apologies for absence were received from:

- Councillor Trevor Carbin, who was substituted by Councillor Gordon King
- Councillor Jonathon Seed, who was substituted by Councillor Tony Jackson
- Councillor Suzanne Wickham, who was substituted by Councillor Mike Sankey

59 Minutes of the Previous Meeting

The minutes of the previous meeting held on 7 August 2024 were considered. Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 7 August 2024 as a true and correct record.

60 Declarations of Interest

There were no declarations of interest.

61 Chairman's Announcements

There were no specific Chairman's announcements.

including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

Network Rail

Network Rail have various structures in this location e.g. retaining walls, bridges which will need to be considered and mitigated through Network Rail's asset protection process, contact to be made at AssetProtectionWestern@networkrail.co.uk. No works are to be conducted until permission for works has been granted.

Sustainable Construction

The applicant is encouraged to consider sustainable construction and employ the following energy hierarchy:

- i. Reduce energy consumption through energy efficiency measures;
- ii. Use renewable or low-carbon energy from a local/district source; and
- iii. Use building-integrated renewable or low-carbon technologies.

65 PL/2023/08046: Land at Pathfinder Way, Bowerhill, Melksham

Public Participation

- Mr Tom Molyneux-Wright, agent, spoke in support of the application.
- Mr Anthony Dixon, Senior Project Manager and applicant on behalf of Wiltshire Council, spoke in support of the application.
- Councillor Alan Baines, on behalf of Melksham Without Parish Council, spoke in objection to the application.

Gen Collins, Principal Planning Officer, presented a report which recommended that the Committee delegated authority to the Head of Development Management to grant planning permission, subject to conditions and informatives, for the reserved matters application pursuant to Outline Planning Permission for application 16/01123/OUT relating to the appearance, landscaping, layout and scale of the proposed Primary School (including Nursery and Special Educational Needs (SEN) provision).

Key material considerations were identified including the principle of development; design/visual appearance; heritage impact; impact on the

residential amenity; highways/parking issues; ecology; drainage; Section 106/Community Infrastructure Levy (CIL); and other matters.

Members of the Committee then had the opportunity to ask technical questions to the officer. The representations received from neighbouring residents were raised in relation to the relevant planning history of the site and the 16/01123/OUT development, alongside queries regarding drainage and rainwater harvesting. Further concerns were raised in reference to highway safety and safe walking routes to the school as per the objections raised by Melksham Without Parish Council.

In response, officers explained to Members that the scheme had been subject to significant revisions following consultations with local Parish/Town Councils and neighbouring residents which had led to design solutions to address the impact on neighbouring amenities. Furthermore, officers confirmed that connectivity and accessibility to the application site and proposed neighbouring 16/01123/OUT development had been discussed in detail alongside the suggestion of a left-turn only junction, however as per Page 72 of the Agenda, the Highways Team had concluded that this would not be required or supported in that location.

The named public speakers as detailed above then had the opportunity to present their views to the Committee.

Councillor Nick Holder, as the Local Unitary Member, then spoke to the application and thanked all officers for their hard work, but reiterated the concerns raised with regard to the decision to not implement a No Right Turn exit restriction.

A debate then followed where Members acknowledged the highway concerns raised by local residents and queried if a condition could be imposed to require the school not to be brought into use until a designed No Right Turn exit onto Pathfinder Way from the school had been delivered on site. Members then discussed suggesting a number of further planning informatives including: encouraging the consideration and use of rainwater harvesting for the school; requiring the completion of the site security boundary fencing prior to the school being brought into use; encouraging the Council as the applicant to maximise and bring forward a safe walking route to the school from Berryfield and Semington Road; and requiring the Council to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using Section 106 money secured from the housing developer as part of the 16/01123/OUT development.

At the conclusion of the debate, Councillor Mike Sankey moved to endorse the officer's recommendation, seconded by Councillor Andrew Davis, with the addition of a condition regarding a designed No Right Turn exit onto Pathfinder Way, and further planning informatives as discussed during the debate.

Following a vote on the motion, it was then:

Resolved:

The Committee delegated authority to the Head of Development Management to GRANT planning permission subject to the conditions and informatives listed below:

1. The development hereby permitted shall begin no later than two years from the date of the last suspensive planning condition being discharged pursuant to this reserved matters approval or three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with following plans and documents:

Location Plan – drawing ref. MKS-AWW-XX-XX-D-A-0010-P03
Existing Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0011-P05
Proposed Site Plan - drawing ref. MKS-AWW-XX-XX-D-A-0100-P03
Proposed Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0300-P03
Proposed Site Elevations - drawing ref. MKS-AWW-XX-XX-D-A-0305-P02
Proposed Ground Floor Plan – drawing ref. MKS-AWW-XX-00-D-A-0200-P03
Proposed Ground Floor Context Plan – drawing ref. MKS-AWW-XX-XX-D-A-0101-P05
Proposed First Floor Plan – drawing ref. MKS-AWW-XX-01-D-A-0201-P03
Proposed Roof Plan – drawing ref. MKS-AWW-XX-XX-D-A-0202-P02
Proposed Lighting Plan – drawing ref. MKS-HYD-XX-XX-D-E-0851
Rev: P01
Landscape Plan and Schedule (Sheet 1 of 2) ref: MKS-AWW-XX-XX-D-A-0380-P0
Landscape Plan and Schedule (Sheet 2 of 2) ref: MKS-AWW-XX-XX-D-A-0381-P03
Enclosure Details - Bin Store ref: MKS-AWW-XX-XX-D-A-0388-P02
External Canopy Details ref: MKS-AWW-XX-XX-D-A-0385-P02
Cycle Parking Details ref: KS-AWW-XX-XX-D-A-0386-P03
Enclosure Details - Air Source Heat Pump ref: MKS-AWW-XX-XX-D-A-0387-P03
Drainage Report ref: MKS-HYD-XX-XX-T-C-9000
Transport Statement ref: FS0614-HYD-XX-XX-DR-D-5001-P01-S4
Travel Plan ref: FS0614-HYD-XX-XX-DR-D-6001-P01-S4
Desk Study and Ground Investigation Report prepared by Hydrock;
Ecological Report prepared by Wessex Ecological Consultancy;
Flood Risk Assessment ref: 27203-HYD-XX-XX-WET-RP-0001
P02 prepared by Hydrock;

**Drainage Strategy MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock;
Noise Impact Assessment prepared by Hydrock
Energy Statement prepared by Hydrock
BREEAM Pre-Assessment prepared by Hydrock**

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

- 3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:**

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- The movement of construction vehicles;**
- The parking of vehicles and storage of materials**
- The cutting or other processing of building materials on site;**
- Wheel washing and vehicle wash down facilities;**
- The transportation and storage of waste and building materials;**
- The recycling of waste materials (if any);**
- The loading and unloading of equipment and materials;**
- The location and use of generators and temporary site accommodation;**
- There shall be no burning undertaken on site at any time.**
- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday**

The development shall be undertaken in accordance with the details set out in the approved Construction Management Statement.

REASON: To ensure the amenities and safety of future occupants and highway safety of the development

- 4. No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Precautionary Methodology of Working for Great Crested Newts shall be submitted to the local planning authority for approval in writing and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase.**

Development shall be carried out in strict accordance with the approved Precautionary Methodology of Working for Great Crested Newts.

REASON: To ensure adequate protection and mitigation for Great Crested Newts prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

5. No development shall commence above ground slab level until a plan showing the details for siting, positioning and installation of integral nesting features for bats and birds has been submitted to, and approved in writing by, the local planning authority.

The integral nesting features should identify:

- a) the bird/bat species likely to benefit from the proposed integral nest feature;
- b) the type of integral nest feature to be installed;
- c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- d) the location on each building where features are to be installed.

The integral nest box plan should be implemented in accordance with the approved details and all boxes shall be retained (or replaced as necessary) for the lifetime of the development.

REASON: For the protection, mitigation and enhancement of biodiversity.

6. No development shall commence on site above slab level until details of the materials to be used for the external walls, cladding and roofs, windows and doors 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.

7. The development hereby approved shall not be brought into use until details of a design showing a no right hand turn exit onto Pathfinder Way from the school entrance have been submitted to the LPA and approved in writing. The approved scheme shall be delivered on site prior to first use of the building and shall be retained as such for the lifetime of the development

REASON: In the interests of highway safety

8. No part of the development hereby permitted shall be first brought into use until the car parking spaces shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05, have been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site and in the interests of highway safety.

9. No part of the development hereby permitted shall be first brought into use until the cycle and scooter parking as shown on the approved drawing ref: Cycle Parking Details 0386 Rev P03, has been provided in the locations shown and in accordance with the approved details. This provision shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made within the site for the parking of cycles and scooters in the interests of sustainable travel.

10. No part of the development hereby permitted shall be first brought into use until the pedestrian access gate and path have been provided on the northern site boundary (to the west of the Gas Governor) to connect with the path on the site perimeter and as shown on the approved drawing ref: Proposed Site Plan 0100 Rev P05. The access and gate shall be retained and maintained for the lifetime of the development and made available for use at school drop off and pick up times.

REASON: To encourage sustainable travel choices and in the interests of highways safety.

11. No part of the development hereby permitted shall be first brought into use until, a small sign shall be provided near to the school main entrance gate, to direct pedestrians arriving along the footway adjacent Pathfinder Way from the north to the pedestrian access gate (located to the west of the Gas Governor). The sign shall be retained for the lifetime of the access use.

REASON: In the interests of pedestrian safety

12. No part of the development hereby permitted shall be first brought into use until the window in the southwest facing elevation at first floor level and the last window on the western side of the rear facing elevation at first floor level have been glazed with obscure glass to an obscurity level of no less than level 3 and thereafter, the windows shall be permanently maintained with obscure glazing in perpetuity

REASON: In the interests of residential amenity and privacy.

13. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will

demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

14. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy ref: MKS-HYD-XX-XX-D-C-9000 P01 & MKS-HYD-XX-XX-D-C-9001 P01 prepared by Hydrock.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

15. The development hereby approved shall be undertaken in accordance with the approved landscape strategy.

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

16. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

Informatives:

1. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

2. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.
3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
4. Wiltshire Council as Highway Authority is proposing to install 'No Waiting At Any Time' markings on Pathfinder Way. The applicant must liaise with the Highway Authority to ensure the timescales for the necessary TRO correspond with the school delivery programme to meet Condition 7.
5. The applicant is encouraged to consider the inclusion of rainwater harvesting as part of school site to maximise the sustainability performance of the school.
6. The applicant is also encouraged to enter discussion with the Council's highways team, the respective Town and Parish Councils and education colleagues to bring forward a safe walking route to the school for residents from Berryfield and Semington Road.
7. It is noted that the proposed boundary treatments for the school site can be erected under permitted development rights, and it is understood that the applicant intends to erect a secure boundary fence of 2m in height and secure gates to ensure the safety and of users of the school. It is strongly encouraged and advised that the applicant provides this before the school is brought into use
8. The applicant is also strongly advised to enter discussions with respective colleagues within the Council to expedite the delivery of the footpath connectivity from the school to the wider site northern boundary using received s106 money secured from the housing developer as part of the 16/01123/OUT development.

66 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.25 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services,
direct line 01225 718259, e-mail ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email
communications@wiltshire.gov.uk

Melksham Without Parish Council
Clerk to Melksham Without Parish Council
1st Floor Melksham Community Campus
Market Place
Melksham
SN12 6ES

Development Services
Wiltshire Council
Tel: 0300 456 0114
www.wiltshire.gov.uk
planningtrees@wiltshire.gov.uk

15 August 2024

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

Dear Sir/Madam

**Wiltshire Council – Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
Tree Preservation Order –TPO/2024/00011**

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on **16 August 2024**.

We therefore enclose a copy of the confirmed Order for your attention and retention.

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

that the Tree Preservation Order is not within the powers of the Act; or

that the requirements of the Act or the 2012 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully

Kate Tate

Arboricultural Officer
Email: kate.tate@wiltshire.gov.uk
Telephone: 01249 706670

TOWN AND COUNTRY PLANNING ACT 1990

Wiltshire Council – Land off LITTLEWORTH LANE, WHITLEY SN12 8RE

Confirmed Tree Preservation Order TPO/2024/00011

Wiltshire Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990, as amended in the Town and Country Planning (Tree Preservation)(England) Regulations 2012, make the following Order:

Citation

This Order may be cited as Land off LITTLEWORTH LANE, WHITLEY SN12 8RE

13 x Individual Oak trees and Woodland to include all mixed species

Tree Preservation Order: TPO/2024/00011

Interpretation

(1) In this Order “the authority” means the Wiltshire Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and County Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

(1) Subject to article 4, this Order takes effect provision on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:-

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of, any tree specified in the Schedule of this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

In relation to any tree identified in the first column of the Schedule by the letter ‘C’ being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 26 day of April 2024

Kate Tate

Signed on behalf of the Wiltshire Council
Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER (without modifications)

This Order was confirmed by the Wiltshire Council without modifications on the 16 day of August 2024.

Kate Tate

Authorised by the Council to sign in that behalf.

CONFIRMATION OF ORDER (with modifications)

This Order was confirmed by the Wiltshire Council subject to the modifications indicated by (*state how indicated*),

on theday of

.....
Authorised by the Council to sign in that behalf.

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the Wiltshire Council on the

..... day of

.....
Authorised by the Council to sign in that behalf.

VARIATION OF ORDER

This Order was varied by the Wiltshire Council on the

..... day of

by a variation order under reference number (*insert reference number to the variation order*) a copy of which is attached.

.....
Authorised by the Council to sign in that behalf.

REVOCATION OF ORDER

This Order was revoked by the Wiltshire Council on the

..... day of

.....
Authorised by the Council to sign in that behalf.

SCHEDULE

SPECIFICATION OF TREES

Wiltshire Council – Land off LITTLEWORTH LANE, WHITLEY SN12 8RE
Tree Preservation Order TPO/2024/00011

TREES SPECIFIED INDIVIDUALLY

(encircled in green on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
T1	Oak	Land off Littleworth Lane
T2	Oak	Whitley, SN12 8RE.
T3	Oak	
T4	Oak	
T5	Oak	
T6	Oak	
T7	Oak	
T8	Oak	
T9	Oak	
T10	Oak	
T11	Oak	
T12	Oak	
T13	Oak	

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

GROUP OF TREES

(within a broken black line on the map)

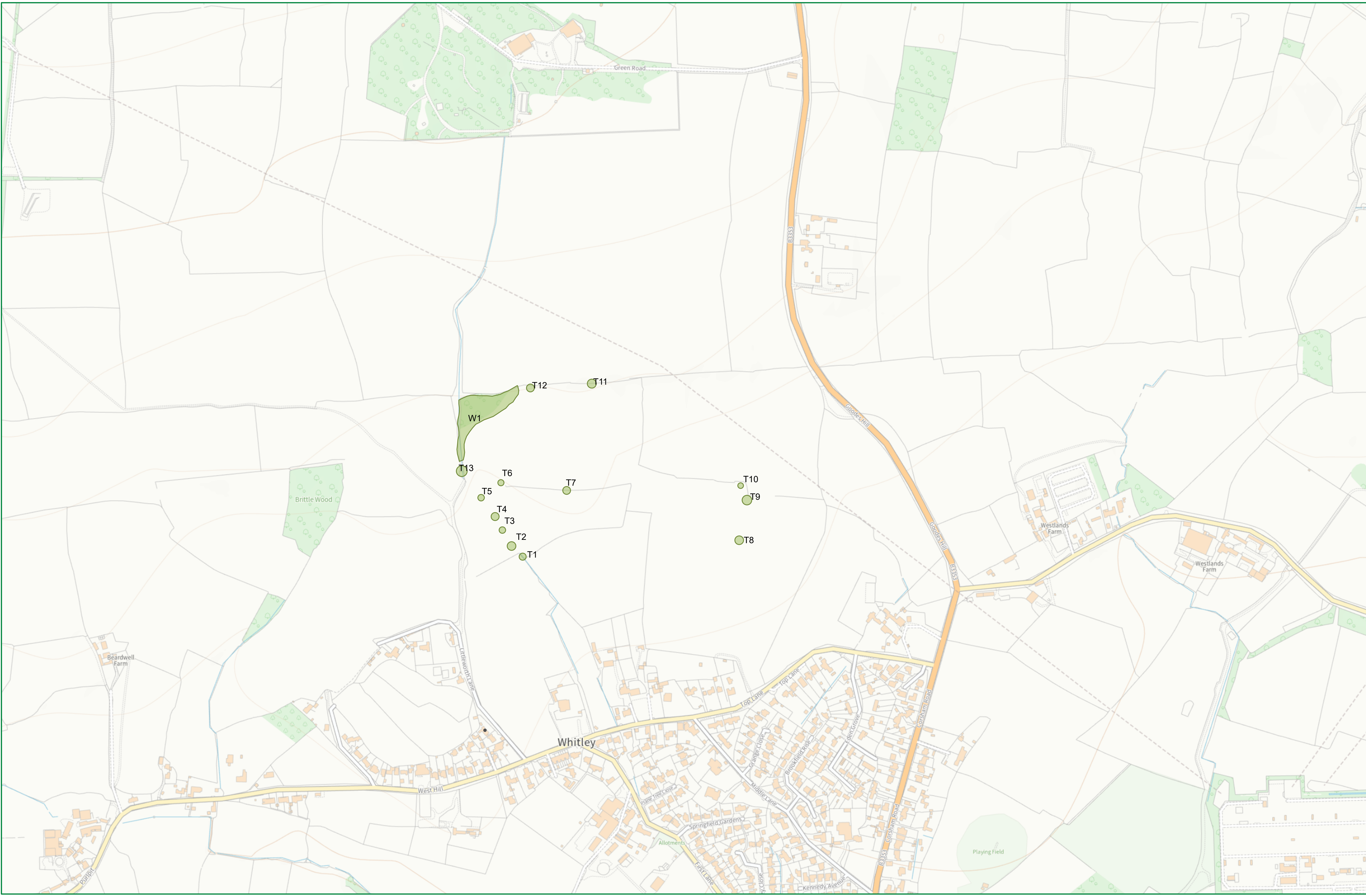
<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
-------------------------	--------------------	-------------------

WOODLANDS

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation*</i>
W1	Oak	Land off Littleworth Lane, Whitley, SN12 8RE.

*complete if necessary to specify more precisely the position of the trees.



26/04/2024

TPO 2024/00011 Land off Littelworth Lane SN12 8RE

AGENDA ITEM 9c- Land off Littelworth Lane TPO

388412E 166873N m

1:3,000



Wiltshire Council


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Whilst the site is not within a mapped Flood Zone it may still be at risk from other sources of flooding eg groundwater and overland run-off. The flooding you mention is probably surface water and since the 15 April 2015 matters relating to surface water are now dealt with by the Lead Local Flood Authority (Wiltshire Council).

Regards

Kevin Date
Planning Advisor
Sustainable Places

Tel: [02030 250233](tel:02030250233)

 The Environment Agency has an email file transfer limit of 8MB. If you wish to send large files to my team please reply to our team email nwx.sp@environment-agency.gov.uk and request a Sharefile link to be emailed to you. With this you can upload files of larger sizes to us.

Make flexibility work: The Environment Agency promotes flexible working; if you get an email from me outside normal hours it is because I am sending it at a time convenient to me. I do not expect you to read or reply until your usual office or working hours.

Please consider this a "thanks" in advance.

Every email has a carbon footprint. So if you don't hear back from me, it's not because of you, it's because of the planet.

#WhatWeCanDo

From: Enquiries, Unit <enquiries@environment-agency.gov.uk>

Sent: 04 September 2024 15:00

To: office@melkshamwithout-pc.gov.uk

Subject: FW: 240904/SB22 RE: 240828/LG17 Planning Consultation Re: PL/2023/05883: 52e Chapel Lane, Beanacre, Wiltshire

Good afternoon .

I have forwarded you email and comments to our sustainable places team in that area. They are the team that will provide feedback to the local authority on the matter .

Kind Regards

Steve Bradley
Customer Service Advisor, Email Management Unit, NCCC
Environment Agency: Contact Centre Services - Part of Strategy, Transformation & Assurance (STA)
Tel: 03708 506 506
Web Site: www.gov.uk/environment-agency

Click an icon to keep in touch with us



From: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Sent: Thursday, August 29, 2024 4:14 PM

To: Enquiries, Unit <enquiries@environment-agency.gov.uk>

Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: 240904/SB22 RE: 240828/LG17 Planning Consultation Re: PL/2023/05883: 52e Chapel Lane, Beanacre, Wiltshire

You don't often get email from office@melkshamwithout-pc.gov.uk. [Learn why this is important](#)

Lilli

Thank you for your email.

We noted Wiltshire Council as the Planning Authority had not contacted yourselves for comments on the proposals, despite this council requesting they do so, hence my email below.

Please see our previous comments attached, which gives more details of our concerns regarding both drainage and flooding. Below is a link to the planning application details:

<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z00001BK1dpAAD/pl202305883>

I hope the EA is able to give a response to proposals, given the concerns and look forward to hearing from you.

Regards

Lorraine McRandle
Parish Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus
Market Place, Melksham
Wiltshire, SN12 6ES
01225 705700
office@melkshamwithout-pc.gov.uk
www.melkshamwithout-pc.gov.uk

Want to keep in touch?

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From: Enquiries, Unit <enquiries@environment-agency.gov.uk>

Sent: 28 August 2024 16:47

To: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Subject: RE: 240828/LG17 Planning Consultation Re: PL/2023/05883: 52e Chapel Lane, Beanacre, Wiltshire

Good afternoon,

We are a statutory consultee for planning purposes. This means local councils must consult us when considering any planning applications.

We only comment on planning applications and do not have a role in deciding them. The local council will make the final decision after considering our comments.

Our comments on planning applications relate to environmental matters that we are responsible for reviewing. Our main consideration when commenting on a planning application is the effect the development will have on flood risk.

Thank you,

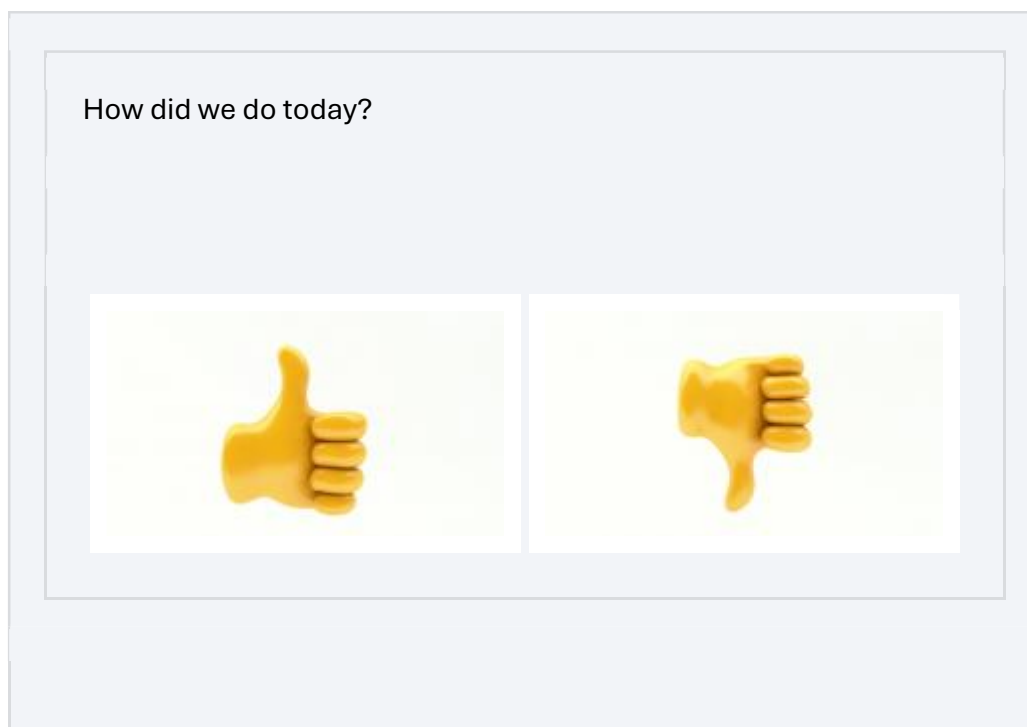
Lilli Gresham

Customer Service Adviser

Environment Agency: Contact Centre Services - Part of Strategy, Transformation & Assurance (STA)

Phone: 03708 506506

Working hours: Mon, Tues, Wed, Fri 8am-6pm



From: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Sent: Wednesday, August 21, 2024 3:02 PM

To: Enquiries, Unit <enquiries@environment-agency.gov.uk>

Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: 240828/LG17 Planning Consultation Re: PL/2023/05883: 52e Chapel Lane, Beanacre, Wiltshire

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Dear Environment Agency

The Parish Council have been consulted several times on proposals for 3 dwellings to the rear of 52e Chapel Lane (PL/2023/05883), Beanacre. They have several concerns, including the impact this application will have on drainage in the area and had previously asked Wiltshire Council to consult with yourselves on proposals. However, it would appear you have not been asked to comment.

Therefore, at a Planning Committee meeting on 19 August, it was agreed to contact yourselves and ask you provide a response to the proposals. Please see link below to the planning application on Wiltshire Council's website:

<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z00001BK1dpAAD/pl202305883>

Below are our latest comments regarding the proposals for information:

161/24 Revised/Amended Plans/Additional Information: To comment on any revised/amended plans/additional information on planning applications received within the required **timeframe (14 days)**.

PL/2023/05883: Land to the rear of 52e Chapel Lane, Beanacre. Erection of three dwellings, with access, parking and associated works

The Parish Council were only made aware of revised plans which include a proposed turning head after being contacted by a resident of Chapel Lane who noted reference to a turning head in comments from Highways which had not been uploaded to the planning portal.

Having considered the revised plans, the Parish Council object to proposals and wish to reiterate their previous concerns, particularly regarding drainage, highway safety concerns and the removal of an established hedgerow, which will reduce the biodiversity for the area.

The Parish Council believe the introduction of a turning head does not alleviate concerns previously raised and will not accommodate larger vehicles, such as septic tankers turning around. They also suspect there is nothing preventing the proposed turning head from being an additional parking space and raise a concern who will make sure it is kept free. Members also raise a concern who will ensure the boundary treatment does not exceed 900mm, in order to ensure visibility across the frontage, as suggested by Highways in their comments.

Given the Council's concern at the impact this development will have on drainage of the area, it was agreed to contact Wessex Water and the Environment Agency direct to make them aware of proposals and to ask they provide a response as it does not look like Wiltshire Council took up the parish council's suggestion to consult them. To also contact Wiltshire Council Drainage team to chase a response to revised plans.

It was agreed to keep the current 'call-in' for the application, in order it is considered at a Wiltshire Council Planning Committee meeting.

We hope you are able to provide a response.

Regards

Lorraine McRandle
Parish Officer
Melksham Without Parish Council
First Floor
Melksham Community Campus

Planning Application PL/2024/05016
35 Westlands Lane Beanacre SN12 7QE
Case Officer: Jonathan James

Comments – OBJECT on grounds of Design Quality, Drainage, Ecology, Landscape, Highways Safety & Access.

In general there is a paucity of supporting information and no attention given to the quality of design in this application. There appears to have been no reference to the recently adopted Wiltshire Design Guide SPG, to the National Design Guide, to the Nationally Described Space Standards (the internal areas of the bedrooms and overall floorspace appear very tight) or to the policies of the Local Plan, in particular to Core Policy 57. The Core Strategy and the SPG, as well as the NPPF all require proposals to have been informed by appropriate technical assessments – none of which have been provided to support this application.

1. DESIGN & ACCESS: What consideration has been given regarding highways safety and access? Has a Design & Access Statement been submitted? The access is immediately adjacent to the start of the 30mph limit where traffic can, and does, enter at 60mph.
 - The road is narrow at the access point so the 'swept path' of vehicles into, within and out of the site is critical, and evidence of the ability for vehicles to enter and exit the site in a forward gear should be established.
 - It should also be demonstrated that vehicles can exit the site without encroaching on to the opposite side of the road
 - Given the proximity of the access to limit of the 30mph zone, the visibility splays for the access need to be sufficient for cars exiting safely.
 - There is barely any space between the front door and the edge of the road - how will pedestrians access and exit the front door safely?
 - The site is very narrow and the proposed development is neither appropriately sited or designed - the proposed house does not sit comfortably on the plot and appears compromised. Site measurements suggest that it does not fit within the site boundary.
 - Assuming the myriad constraints can be addressed, perhaps a single or 1.5 storey building with a set-back in the front elevation might be more appropriate in scale. More consideration of the elevation designs, higher quality use of articulation and detailing through materials and placement of fenestration would help achieve a better design quality.

2. ECOLOGY: There appears to be no Phase 1 Habitat Survey by a licensed Ecologist submitted with the application.
 - The land is adjacent to a pond (located immediately to the south/southeast of the plot); there is an open ditch to the east and the site comprises a mix of grass and wild flower. This all provides potential for greater crested newts and other protected species such as slow worms, smooth newts, toads, frogs and other fauna.
 - There are a number of trees on the site-or on/close to the boundaries which may provide habitat for bats and birds.
 - The site appears to encroach into the more densely wooded copse on the west of the site, although there is no mention of this in the submissions.
 - How has the biodiversity net gain for the site been calculated when no proper ecological survey has been undertaken to record what habitats and species currently exist on/near the site.

3. DRAINAGE - No assessment of drainage or flood risk seems to have been submitted with the application.
 - An important water culvert runs the length of the site which collects water from the ditch draining the road embankment serving the railway bridge to the east of the site. This floods frequently in an area with a high natural water table.
 - Surface water flooding occurs regularly on this stretch of Westlands Lane. No assessment of drainage and flood risk appears to have been provided, either in terms of the site itself or how drainage and flood risk might be mitigated/improved.

4. LANDSCAPE:
 - The small strip of land enables a rare glimpse of the countryside beyond, as well as containing a variety of trees that mark the end of the settlement. Three public footpaths cross the fields behind the site. The current design has the rear of the house pushed up hard against the boundary and there is no room for boundary planting to soften the impact of the rather unattractive rear façade, thus it has a negative visual impact on the local landscape.
 - The removal of dense foliage on the western side of the site may open up views of the nearby electrical substation which is currently well screened from view, and this should be a consideration, especially given the potential expansion of the associated battery storage there.

5. SITE HISTORY:

It is noted that there have been several applications to build a house on this site, all either withdrawn or refused. Whilst the

associated documents including the decision notice are unavailable online, it is assumed that the reasons these earlier applications failed involved similar issues to those raised above.

Marianne Rossi

From: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Sent: 03 September 2024 14:36
To: Lorraine McRandle
Cc: Teresa Strange
Subject: RE: 489a Semington Road - Certificate of Lawfulness for use of annexe: PL/2024/04135

Thanks Lorraine,

I do need to discuss this with Chris who is on leave for the next 2 weeks.

I also have not forgotten to get back to you re the garage being occupied, there are some technical planning questions that do need to be thrashed out before I can give a clear answer here. As soon as I have more details, I will let you know.

Thanks

Natalie Rivans
Planning Enforcement Officer
Planning Enforcement Team

Wiltshire Council

External Tel: 01225 770502
E-mail: natalie.rivans@wiltshire.gov.uk
Website: www.wiltshire.gov.uk
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From: Lorraine McRandle <office@melkshamwithout-pc.gov.uk>
Sent: Tuesday, September 3, 2024 1:27 PM
To: Rivans, Natalie <Natalie.Rivans@wiltshire.gov.uk>
Cc: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Subject: 489a Semington Road - Certificate of Lawfulness for use of annexe: PL/2024/04135

Hi Natalie

Having received the latest Planning Application list from Wiltshire Council, we note the Certificate of Lawfulness for the use of the annexe at 489a Semington Road has been refused.

We have been asked by a resident and Members also raised the same question at a Planning Committee meeting last night, what happens next, particularly as it is understood tenants are currently living in the annexe.

Look forward to hearing from you.

Teresa Strange

From: [REDACTED]
Sent: 09 September 2024 11:24
To: [REDACTED]
Subject: RE: Development to West of Semington Road, Melksham, Wiltshire

Good Morning [REDACTED]

Following your Email on Friday afternoon, I have spoken to the site team, and our Health & Safety Advisor, Phil Morgan (Copied), and made them aware your issues and concerns.

I have asked Phil Morgan to oversee this, and he is finding out when the vibration monitors will be delivered and installed.

I have asked Phil to make contact with yourself and arrange a visit at your convenience, so we can address any concerns that you may have.

Phil's details are as follows :-

Mobile number 07551 777516.
Email - Phil Morgan <pmorgan@livingspacehousing.co.uk>

I can confirm that we have all the relevant insurances required, a summary copy of which is displayed in the site office.

Regards,
Paul Breen
Managing Director
T: 0121 272 8899
M: 07523 305 506
E: pbreen@livingspacehousing.co.uk
www: livingspacehousing.co.uk

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-----Original Message-----

From: [REDACTED]
Sent: 06 September 2024 17:04
To: Paul Breen <pbreen@livingspacehousing.co.uk>
Cc: [REDACTED] Teresa Strange <clerk@melkshamwithout-pc.gov.uk>

Subject: Development to West of Semington Road, Melksham, Wiltshire

Re:- Above development Wiltshire Planning Application PL/2023/00808 To Managing Director of Living Space Housing

Dear Mr Breen,

My home is adjacent to the development of 50 homes in Melksham which your company is developing. The house is half of an old Farmhouse, part of which was built of stone in the 1820s. Since work began on the site on 5th August 2024 by ground engineers Harkmac, the top floor of the house together with items on the shelves throughout the house have been vibrating every time the diggers/bulldozers move across the site.

I rang the Living Space Housing site manager in the first week of this happening to ask for this to be monitored to ensure it was below a standard which would not cause damage to my property. I was told two monitors would be ordered: one to go close to my house and one for the attached neighbouring property which has suffered the same vibrations.

The monitors still have not arrived after 5 weeks despite phone calls to the site manager of Harkmac and Living Space Housing and vibrations continue everyday. The work continues on the site without knowing if it will be detrimental to our buildings. They are certainly having a bad effect on our health and wellbeing, being most unpleasant when the floors shake.

As we are very concerned about subsidence and cracks developing in our properties I have consulted an architect who told me that all work involving the diggers should be halted until the vibrations monitors are in place. So please instruct the manager responsible for this development to expedite this.

I have also spoken to my house insurers concerning this and they told me to contact you to check you have public liability insurance since any damage caused to my home as a result of the vibrations could render you liable.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

 iPad

Teresa Strange

From: Way, David <David.Way@wiltshire.gov.uk>
Sent: 12 September 2024 09:43
To: Teresa Strange
Subject: South of Western Way site allocation

Hi Teresa,

Hope you're well?

You were asking about the 70-bed care home on the above and the calculation for determining how many dwellings this equates to. The bed spaces-to-dwellings ratio is 1.83 which is in accordance with the 2011 Census figures, therefore $70/1.83 = 38$ dwellings.

Regards, David.

David Way
Senior Planning Officer
Strategic Planning

Wiltshire Council

Tel: 01225 718458
Email: david.way@wiltshire.gov.uk
Web: www.wiltshire.gov.uk
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17th September 2024

Dear councillors,

Re. Community drop-in session – learn more about proposed new homes for Melksham

I am writing to let you know that Bloor Homes is preparing a planning application for new homes on the land at New Road Farm (north of the A3102) Melksham. The site benefits from a draft allocation in the emerging draft Local Plan Review. We propose 295 high-quality and sustainable new homes with land for a nursery on the site, and we are committed to ensuring that 40% of these are affordable housing.

The site would comprise a mix of different sized homes, with the density of these varying across the site but in-keeping with existing surroundings. In some areas, there may be higher concentrations of terraces, maisonettes and flats; in others, there would be more detached, larger homes.

We are committed to listening to what people say about our proposals and how we could improve them. From 23rd September-7th October, we will hold a public consultation with the opportunity for people to have their say online and at a local drop-in session. Members of the public can meet our project team, ask questions and provide feedback.

Venue: Ground Floor at Melksham Community Campus, Market Place, SN12 6ES.

Date and Time: 23rd September, 3:00 pm - 7:00 pm.

If you are unable to join us on the 23rd September, our website at www.newroadfarm.com will launch on 20th of September, containing details about our plans and an online survey form to feedback on our proposals. In the meantime, you can learn more about the proposals by calling the team on **0800 130 3270** or emailing us at newroadfarm@jbp.co.uk.

Your feedback is highly valuable in helping us develop our proposals ahead of our planned submission of a planning application in October 2024. All views are welcome, and we look forward to hearing from you.

Yours sincerely

Bloor Homes South West