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## MELKSHAM WITHOUT PARISH COUNCIL

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Tuesday 7th June 2022

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

You are invited to attend the Planning Committee Meeting which will be held on **Monday, 13 June 2022 at 7.00pm** at **Melksham Rugby Club, Oakfields, Eastern Way, SN12 7GU** to consider the agenda below: **\*\*\*\*PLEASE NOTE NEW VENUE\*\*\*\***

**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>**

Or go to [www.zoom.us](http://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.co.uk](http://www.melkshamwithout.co.uk). If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

Yours sincerely,

A handwritten signature in black ink that reads 'T. Strange'.

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 business, 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 Planning Applications:**

**[PL/2022/02675](#):** Land Adjacent to 6 Guinea Cottage, Forest Road, Melksham. Erection of a dwelling. Outline Application (All Matters Reserved) Applicant Richard Bourne **(Comments by 20 June)**

**[PL/2022/03317](#):** 406C The Spa. Variation of condition 9 of 17/01107/OUT and 18/03329/REM to allow the driveway to be finished in gravel with tarmac apron to avoid spilled gravel. Applicant Jack Hallett **(Comments by 15 June)**
7. **Revised Plans** To comment on any revised plans received within the required timeframe (14 days)
8. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
9. **Planning Appeal: APP/Y3940/W/21/3285428: Semington Road.** To note outcome of appeal hearing (upheld) and consider next steps.
10. **Planning Policy**
  - a) **WALPA (Wiltshire Area Local Planning Alliance) Update.**
  - b) **Neighbourhood Planning**
    - i) To reflect on responses to planning applications for review of the Neighbourhood Plan
    - ii) To note progress with Review (Update following Task Group surgeries)



- iii) To suggest presenter for update at Area Board meeting on 22<sup>nd</sup> June
- c) **Future Chippenham. To note High Court Judge deferred decision on Future Chippenham judicial review**

11. **S106 Agreements and Developer meetings:** *(Standing Item)*

a) **To note update on ongoing and new S106 Agreements**

- i) **Hunters Wood/The Acorns:** Update on Footpath to rear of Melksham Oak School, Community Centre.
- ii) **Bowood View:** To receive update on play area, bins, and management company
- iii) **Pathfinder Way:** To receive update on Play Area, Street works, Public Art, School

b) **To note any S106 decisions made under delegated powers**

c) **Contact with developers**

- i) **Land to rear of Blackmore Farm.** To note response from Rights of Way Officer on suggested improvements as part of public consultation response.
- ii) **Proposed Sewage Pumping Station at Beanacre:** To consider fencing treatment.

**Copy to all Councillors**





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## Appeal Decision

Inquiry Held on 1-4 March 2022

Site visit made on 8 March 2022

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30 May 2022**

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**Appeal Ref: APP/Y3940/W/21/3285428**

**Land west of Semington Road, Melksham**

**Grid Reference 390022, 162878**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Richard Pitt of Terra Strategic against the decision of Wiltshire Council.
  - The application Ref: 20/07334/OUT, dated 25 August 2020, was refused by notice dated 23 April 2021.
  - The development proposed is outline planning permission for up to 50 dwellings and formation of an access with associated works.
- 

### Decision

1. The appeal is allowed and outline planning permission is granted for up to 50 dwellings and the formation of an access with associated works at land west of Semington Road, Melksham in accordance with the terms of the application, Ref 20/07334/OUT, dated 25 August 2020, and the plans submitted with it, subject to the following conditions included in the schedule to this decision.

### Procedural Matters

2. The application as submitted included 30% affordable housing. However, during the appeal process this was amended to 100%. This change was discussed at the Case Management Conference in January and representations sought from the Council. I have been assured that all parties who were originally consulted on the application were informed of this change in advance of the Inquiry. The Council's outstanding concerns on this matter relate only to the proposed tenure mix; this is addressed in the Unilateral Undertaking which I consider later in this decision. I am satisfied that no parties' interests have been prejudiced or infringed.
3. The application has been submitted in outline with all matters reserved apart from access. Although both parties referred to several plans during the Inquiry, I have made this decision on the basis of SLP1, Site Location Plan and CTP-18-500 SK02 which only includes details of the proposed access.
4. At the commencement of the Inquiry, I accepted 2 late documents following consultation with the appellant in respect of the Melksham Link project and housing needs.

5. The Council's decision includes 5 reasons for refusal (RfR). On receipt of additional information regarding flood risk it has decided not to defend its fourth RfR. The appeal was lodged with a draft Unilateral Undertaking (UU) and for this reason the Council did not defend its fifth RfR. I received a completed Unilateral Undertaking, dated 9 March 2022 after the Inquiry had closed. I address both of these issues later in this decision.

### **Main Issues**

6. The main issues are as follows
- Whether or not the Council is able to demonstrate a sufficient supply of housing land with specific reference to Paragraph 14 of the National Planning Policy Framework (the Framework) with respect to the Development Plan as a whole,
  - The effect of the proposals on the landscape character and appearance of the area,
  - Whether or not the proposed scheme would lead to increased flood risk,
  - Whether or not the proposals include adequate provision of necessary infrastructure directly required by this development,
  - The accessibility of the proposed scheme to local services, and
  - The implications of the proposal in addressing housing need.

### **Reasons**

#### ***Housing Land Supply and the Development Plan***

7. The Development Plan comprises the adopted Wiltshire Core Strategy (WCS) (2015), the Wiltshire Housing Site Allocations Plan (WHSAP) 2020 and the Joint Melksham Neighbourhood Plan (JMNP) 2021.
8. Both parties agree that the Council does not have a 5 year housing land supply (5YHLS); this currently is at 4.41 years and is based on a requirement for 10,553 units and a deliverable supply of 9,286 units<sup>1</sup>. In these circumstances the tilted balance applies in accordance with Paragraph 11d)ii and footnote 8 of the Framework.
9. Melksham benefits from an adopted Neighbourhood Plan<sup>2</sup> (2021) prepared by a steering group (the Qualifying Body). Paragraph 14 of the Framework states that the adverse impact of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits. Given the importance which the Government attaches to adopted Neighbourhood Plans the effect of this provision is to place significant weight on its policies.
10. However, there is a difference between the parties as to whether the policies of the JMNP apply in respect of Paragraph 14b), that is, whether or not it contains policies and allocations to meet its identified housing requirement. This is an important consideration given the weight that the Council places on JMNP policies 1, 6 and 17.

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<sup>1</sup> Statement of Common Ground

<sup>2</sup> Referred to as the Joint Melksham Neighbourhood Plan (JMNP)

11. The Council's Core Strategy was adopted in 2015 with a plan period up to 2026. To reconcile the plan periods of the JMNP with the adopted Core Strategy and its review, the plan period of the JMNP was reduced from 2020-2030 to 2025.
12. Both the Council and the Qualifying Bodies who prepared the JMNP, agreed that housing allocations should not include land at Melksham and Bowerhill due to the rate of past delivery<sup>3</sup> and that sites would be coming forward as part of the local plan review<sup>4</sup> which had already commenced before the adoption of the JMNP. The appeal site was dismissed as part of the site allocation process for the JMNP.
13. Although the JMNP contains housing policies, the appellant states that these are not based on policies and allocations evidenced by its housing requirement, contrary to Planning Policy Guidance (PPG)<sup>5</sup>. Instead the JMNP relies on the WCS for both its settlement boundaries and housing requirement.
14. Justification for its single housing allocation included in Policy 7, for 18 dwellings at Middle Farm in Shaw/Whitley refers to the fact that there has been no housing market or affordable development in this settlement since 2000.
15. The appellant draws a distinction between the approach adopted in the JMNP with that for the Purton Neighbourhood Plan, cited in a decision of an Inspector colleague<sup>6</sup>. In that case, 94 additional dwellings were allocated through the plan on 7 sites both within and beyond the settlement boundary, required to accommodate growth in line with the local aspirations of Purton in recognition of the settlement pressures in the area.
16. However, in the current appeal, the Council is clear that preparation of the JMNP was against a background of 'marrying' timelines with the emerging WCS. In my view this is a prudent approach given the Council's support for neighbourhood planning. This does not represent a 'missed opportunity'<sup>7</sup> as the appellant suggests. Given the short plan period it allows for the collation of evidence to substantiate further allocations being considered both within and outside the existing settlement boundary which may change. It is sufficient for the purposes of Paragraph 14b, despite my comments made later in this decision in respect of the extent of housing need.
17. Underpinning the appellant's arguments on this issue is whether the JMNP prejudices housing supply. Both parties agree that the housing requirement for Melksham and Bowerhill is 2,240 dwellings for the Core Strategy period and that 'deliverable commitments and completions' total around 2,437 dwellings exceeding the requirement by around 9% with 2 years to go of the plan period<sup>8</sup>. In this context and given the short life of the JMNP, its policies are not prejudicing housing supply despite the overall undersupply of housing across the County.
18. Finally, it is not my role to unpick the policies of the JMNP or to cast doubt on the process leading to adoption as the appellant has<sup>9</sup>. The Examining Inspector

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<sup>3</sup> Mr White PoE paragraph 4.94

<sup>4</sup> CD F5

<sup>5</sup> ID: 41-097-201190509, dated 9 May 2019

<sup>6</sup> AAP/Y3940/W18/3202551

<sup>7</sup> Appellant's closings paragraph 41

<sup>8</sup> SoCG

<sup>9</sup> Appellant closings paragraph 42

found the basic conditions to be sound due to the particular circumstances of the Council. This should not in my view be in question for this appeal.

19. I therefore conclude that all aspects of Paragraph 14 of the Framework have been satisfied and that the JMNP forms part of the Development Plan. The JMNP complies with Paragraph 14b) of the Framework with respect to the Development Plan as a whole. In the context of the tilted balance afforded by Paragraph 11d)ii and footnote 8, the policies of the JMNP are an important material consideration.

### ***Landscape character and appearance of the area***

#### *Landscape*

20. The appeal site is located on the west side of Semington Road and south of Western Way, the A350. Lying immediately beyond the north eastern edge of the appeal site is Townsend Farm comprising a large former farmhouse and outbuildings, converted into dwellings. The site is not a valued landscape as defined by Paragraph 174 of the Framework.
21. The site lies within the NCA<sup>10</sup> 117 Avon Vales, which in summary can be characterised as a gently undulating and low-lying agricultural landscape interspersed by small towns in the valley of the River Avon and its tributaries. Within this designation, the Wiltshire LCA identifies the site as falling within the Landscape Type, 12B Avon Open Clay Vale. The West Wiltshire District's LCA<sup>11</sup>, includes the site in B1 Avon River Flood Plain. However, the land east of Semington Road, lies in LCA, C2 Semington Open Clay Vale.
22. The site comprises the eastern part of an arable field which partially wraps around Townsend Farm and has a site area of 2.26ha. The site is partially contained by hedgerows interspersed with trees. These features are characteristic of both the NCA 117 and LCA B1. Of particular relevance to the appeal site in respect of the NCA are the 'forces for change' which include the protection of boundary hedgerows and how new development merges the settlement pattern. In respect of the LCA the landscape sensitivities include the retention of both the hedgerow pattern and its wide open views which are in part inherent to the area's large open field pattern.
23. The Council's objection relates to the appeal scheme's effects on landscape and its impact on closing the gap between Melksham and Berryfield.
24. The Core Strategy (CS) policies CP1, CP2, CP15, CP51 and CP57 are consistent in seeking to direct development to a hierarchy of towns. These policies seek to protect landscape character and preserve the setting of settlements. Development is required to be of high quality design. These policies are reinforced by policies 1, 6 and 17 of the JMNP.
25. Both parties agree that the site has a medium sensitivity, susceptibility and value in landscape terms. The appeal site has a rural character and includes features consistent with both the NCA and LCA.
26. I recognise that at the time of my site visit the trees were largely bare of leaves allowing views of housing in Hornbeam Crescent and Ash Grove in Melksham, just north of the A350. However, the tree belt along the roads

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<sup>10</sup> National Character Area

<sup>11</sup> Landscape Character Assessment

southern edge could still allow intermittent views during the summer when the trees are in leaf. Therefore, I do not accept that the A350 and its wooded boundary acts as an abrupt break between Melksham and the open farmland to the south and west<sup>12</sup> within which the appeal site lies.

27. Semington Road includes ribbon development which, on its eastern side extends south from the roundabout with the A350. This appears as an extension to Melksham. Development includes a mobile home park, the recently completed development by Bellway Homes and the recent permission<sup>13</sup> for residential development on a site further south. The net effect of this development is to link with the eastern edge of Berryfields and in turn to the industrial and commercial estates in Bower Hill further east.
28. Other factors affecting landscape context include the constant noise from the heavily trafficked A350, the regular bus services and street columns on Semington visible from across the appeal site from the west. Furthermore, both Westward Farm and Boundary Farm include sprawling single storey buildings, some of which are in a poor state of repair, which adversely impact on the landscape. These are factors which reflect the site's broader landscape context.
29. I do not accept the Council's argument that the appeal site requires protection from development because it forms a continuous area of land, characteristic of LCA B1. The appeal site is bounded to its west by a strong boundary hedge with mature trees which cut the site off from wide open views, west to the River Avon. Furthermore, the appeal scheme would retain existing hedgerows which could be strengthened through appropriate landscaping. This is in contrast with the views from the fields further south which are open on their boundary to Berryfield Lane affording long distance views west.
30. When taken overall, the impacts would result in the loss of part of an arable field, but it would not interrupt the field pattern being entirely contained within the hedgerow boundaries of a single field.
31. Although I have treated the site layout submitted with the appeal as indicative, the amount of development proposed could enable the creation of belts of boundary landscaping of sufficient depth to allow a transition between Melksham to the north and the open rural landscape to the south. This would not result in an incongruous settlement edge as suggested by the Council<sup>14</sup>.
32. For these reasons, the impact of development would be limited and after 15 years once boundary planting had become established the physical impacts would only be Moderately Adverse.

#### *Visual*

33. Both parties agreed 8 viewpoints (VP) required for the assessment of the visual impacts of the proposed scheme. These are highly localised and reflect the site's limited visual envelope. From my site visit, the footpaths on which the viewpoints are located seemed to be little used; this diminishes their importance as receptor points.

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<sup>12</sup> Mr Hartley PoE

<sup>13</sup> 20/01938/OUT

<sup>14</sup> M Harley PoE Table 1



34. VP1, VP2 and VP3 would each have a high degree of sensitivity as the Council suggest. This results from their proximity to the site and that views towards the site would be across the fragmented hedge on its southern boundary. In the case of VP3 this would be across open fields towards the site's existing 'open' western boundary.
35. From each of VP1 and VP2 the impacts of the appeal scheme on completion would have considerable impact but these would be largely reduced after 15 years due to the potential for additional planting strengthening the southern boundary hedge. From VP3 which is towards the western end of the appeal site which does not currently benefit from existing landscaping, the impacts on completion would be Major to Moderate as the Council suggest although after 15 years once the planting has matured this would be Moderate to Minor Adverse as the appellants suggest.
36. VPs 4 and 6 are not typical of the views towards the site from along Berryfield Lane being located at gate openings in the boundary hedgerows. For this reason, I do not agree with the Council that the high level of visual impact recorded from them would in turn have a detrimental effect on a receptor's enjoyment given the extent of unmanaged hedgerows along the lane. Whilst intermittent views were available during the time of my site visit, in summer when trees would be in leaf, the appeal scheme would be further obscured apart from at the 2 VPs. For these reasons, the level of effects would be Moderate Adverse at 15 years.
37. For the same reason when viewed from VP5 located further west of Berry Lane on footpath MELW17, the appeal scheme would not be easily seen especially in the summer months. Development located beyond the site's landscaped edges would morph into the settlement pattern of existing development along the east side of Semington Road. From this viewpoint the appeal scheme would not have a definite and profound effect on the visual setting of Melksham as suggested by the Council<sup>15</sup>.
38. From VPs7 and 8, located on 2 rail bridges around 1km to the west, views of the appeal site are filtered to such an extent that the proposed scheme would not appear as a distinctive and separate area of housing. This is borne out by the main parties' conclusions which identify the landscape level of effect as low to negligible on completion. Following my site visit, I concur with the main parties' conclusions which identify the landscape level of effect as low to negligible on completion from these VPs.
39. The Council identified cyclists using NCR 403 along Semington Road as receptors. However, the site would be only be visible for cyclists travelling north given its limited frontage to Semington Road. I acknowledge, however, that they would see the proposed development given their height advantage. However, no figures were presented on the popularity of this route for cyclists which determines the relative weight to be given to this view.
40. Overall given the degree of containment arising from its treed boundaries the appeal scheme would be contained. Although the Council made reference to the impact of the scheme on 'dark skies', there is insufficient evidence to support its contention that the proposal would conflict with this aspect of Policy C51.

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<sup>15</sup> Mr Harley's PoE paragraph 4.6



### *Gap between Melksham and Berryfield*

41. The Development Plan does not include reference to a strategic gap between Melksham and Berryfield but instead relies on Policy CS51 which seeks to protect landscape character. The land in question comprises around 8 fields within which the appeal site sits, located between Berryfield Lane and Semington Road just south of the A350 where it sweeps south to its junction with Semington Road.
42. Berryfield is a settlement consisting primarily of post war housing surrounded on 3 sides by open fields. Its eastern side forms part of a continuous area of commercial and residential development which extends along both the A350 and the A365 from the Bowerhill Industrial estate. The Council's recent decision to allow further development on the east side of Semington Road south of Bowood View<sup>16</sup> further undermines Berryfields identity distinct from Melksham.
43. Policy CS16 seeks the creation of a canal link designed to connect the Kennet and Avon canal and the River Avon. An application for planning permission was submitted in 2012 but remains undetermined. The application scheme identifies the potential scope of associated development required by the scheme which would cut across the Gap. Although little weight can be given to this scheme given the time that has elapsed since submission, the Council's policy commitment remains as a material consideration to which moderate weight can be applied. Its implementation would partially erode the openness of the area.
44. The appellant does not contest the Councils assessment that the appeal scheme would reduce the Gap from the bulk of development within Berryfield by around 100m from 500m to around 400m<sup>17</sup>. Within this landscape the introduction of 50 homes located on the east side of the most northern part of the 'gap' with a short frontage to Semington Road and being partially wrapped around Townsend Farm would have only a limited impact on the erosion of this gap.
45. A clear gap along the west side of Semington Road Westwards would be retained between the appeal site and the northern edge of the ribbon development which extends from Berryfield. This would be sufficient to maintain the visual links to land to the west, retain separation between the 2 settlements, and allow some degree of transition between man made and natural landscapes as required by Policy CP51.
46. Policy CP51 and specifically point (iii) of this policy would not be undermined.

### *Conclusions on the landscape main issue*

47. The appeal scheme conflicts with Development Plan policies. Policies CP1, CP2, CP15, CP51 and CP57 and JMNP policies 1, 6 and 17 are consistent in seeking to resist development beyond settlement boundaries and the protection of the countryside. However, although I find conflict between the appeal scheme with these policies, the level of harm arising would be localised by its relationship to surrounding development, the configuration of the site, its limited extension west within the main field boundary and the strength of existing boundary hedgerows which could allow the base for effective landscape mitigation. I therefore conclude that there would be Modest/Negligible harm to the

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<sup>16</sup> CDK1 -Application No. 20/01938/OUT

<sup>17</sup> Mr White PoE paragraph 4.119

landscape character and appearance of the area arising from the appeal scheme.

48. Furthermore, there are no specific Development Plan policies which seek to protect the Gap between Melksham and Berryfield and the proposed development would not significantly erode it.

### **Flood Risk**

49. The Council's fourth reason for refusal relates to an objection from the local water company to the inclusion within the proposed scheme of surface water pumping stations to manage surface water run off to reduce the risks of flooding. This solution would have been contrary to Policy CP67 and Paragraph 163 of the Framework due to the potential for mechanical failure leading to flooding both within the site and in surrounding areas.
50. Following the Council's refusal the appellant met with the Lead Local Flood Risk Authority (LLFA) and agreed that a sustainable drainage strategy could be used thereby avoiding the potential for mechanical failure. This could meet adopted guidance<sup>18</sup> and I am satisfied that this issue could be satisfactorily resolved through a planning condition requiring the submission of details as required by the LLFA.
51. Therefore I am satisfied that the proposed scheme would not lead to increased flood risk in the area.

### **Infrastructure**

52. The appeal is accompanied by a completed Unilateral Undertaking dated 9 March 2022. The Council indicated that the obligations included in the Undertaking address its fourth reason for refusal in line with Policy CP3 and the Policy8 of the JMNP.
53. The Council has submitted a Community Infrastructure Levy (CIL) compliance statement<sup>19</sup> demonstrating how each contribution is founded in adopted policy within the Core Strategy. This includes full details of the formulae used to calculate the amounts of capital moneys requested.
54. Section 122 of the CIL Regulations together with Paragraph 57 of the Framework require planning obligations to be related to the requirements of development plan policies and are necessary, directly related and fairly and reasonably related in scale and kind to the proposed scheme.
55. Covenants would be imposed in favour of the Council include 100% affordable housing. The suggested tenure split of 60% affordable rent and 40% shared ownership, is supported by Policy CP43. This is acceptable to the Council.
56. Other covenants are included in respect of the provision of capital funding towards both early years and primary education totalling around £367,744 with investment directed towards a local primary school. This is supported by Policy CS3.
57. The Undertaking includes provision for on site equipped play area and off site facilities at the Lancaster Road playing field (£11,800). This is supported by

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<sup>18</sup> CIRIA (2004) REPORT609 and the SUDS manual CIRIA C753

<sup>19</sup> ID3

Policy CP52. I accept investment in this 'off site' facility would support other forms of outdoor recreation which cannot be accommodated on the appeal site.

58. Covenants in respect of highway improvements require the provision of additional signage to direct pedestrians travelling from the site toward the town centre. The signage would direct pedestrians away from the west side of the roundabout at the junction of Semington Road with the A350 towards its eastern side where a crossing and reserve currently exists. This measure is in the interests of highway safety given the high volumes of traffic which use the A350.
59. Other covenants include the provision of waste and recycling bins in line with Policy CP3 and Appendix 4 of the SPD<sup>20</sup>. £10,000 is committed for the provision of an air quality monitoring station linked to the high volumes of traffic along the A350 corridor. As the site will generate a modest amount of traffic, this requirement would be acceptable and is supported by Policy CP55.
60. The Undertaking includes covenants in favour of the Council for public art of £15,000. This would be located within the appeal scheme and is supported by Policy CP57.
61. Therefore I am satisfied that the proposals include adequate provision of necessary infrastructure directly required by this development and that I am satisfied that each of these covenants fall with the provisions of Regulation 122 of the CIL regulations and Paragraph 57 of the Framework.

### **Location of Development**

62. The policies of the WCS are predicated on directing growth to a hierarchy of existing centres in line with the principles of sustainable development. Melksham is identified within Policy CP1 as a market town, in the second tier of the settlement hierarchy capable of accommodating significant development. The delivery strategy disaggregates the housing requirement of 42,000 dwellings across the Community Areas included in Policy CP2 and identifies that development will not be allowed outside settlement boundaries unless enabled by other policies. The appellant accepts that the site's location is in conflict with Policy CP2 and that none of the exceptions included in these policies apply.
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 met<sup>21</sup>. Again the appeal scheme conflicts with these policies.
64. Policy CP15 sets out the area strategy for the Melksham Community Area which includes Bowerhill within which the JMNP boundary sits. The Policy requires that 2,370 new homes should be developed of which 2,240 should be within Melksham. Given that this policy is predicated on adherence to CP1 the appeal scheme is in conflict with this policy also.

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<sup>20</sup> Supplementary Planning Document

<sup>21</sup> Mr White PoE paragraph 4.95

65. However, the degree of harm arising from the scheme's location would be limited. The Council agree that the size of the scheme is appropriate for Melksham as a market town<sup>22</sup>. Its location affords access to the regular X34 bus service running along Semington Road connecting Melksham from where services can be taken to Chippenham, Trowbridge and Frome. Furthermore, the Transport Assessment<sup>23</sup> indicates the site's location is accessible to the town centre for both pedestrians and cyclists.
66. Semington Road includes traffic calming which facilitate pedestrian access to the crossing point on the east side of its junction with the A350. Both parties have agreed that a new bus stop close to the appeal site could be located as part of the suggested conditions.
67. Similar issues regarding accessibility were raised in consideration of the application for planning permission for residential development on agricultural land lying further south than the appeal site on the east side of Semington Road which was granted permission in January 2021<sup>24</sup>. I acknowledge that at that time, the JMNP did not form part of the Development Plan but the site's location beyond the settlement boundary and proximity to services within the Melksham town centre were arguments identified in favour of the scheme in the officer's report. Considerable weight was accorded to the HLS position which at that time was 4.56 years, a slightly better position than the Council is currently faced with.
68. The declining position on HLS can be contrasted with the decision of an Inspector colleague who concluded that the Council's shortfall was not persistent<sup>25</sup>.
69. For these reasons, in terms of accessibility of the proposed scheme to local services I accept that the appeal scheme conflicts with Policies CP1, CP2 and CP15 and JMNP 1 and 6. However, the level of harm would be limited given its location which allows good access to services by a genuine choice of transport modes.

### **The implications of the proposal in addressing housing need**

70. The scheme includes 100% affordable housing, this is above the Council's requirement of 30% as required by Policy CP43 for a site in this area of Wiltshire. Both parties accord the inclusion of this amount of affordable housing substantial weight<sup>26</sup>; this is despite 27% (net<sup>27</sup>) of all units delivered across the authority for the period of 2009/10-2020/21 being 'affordable'<sup>28</sup>.
71. However, housing need is dynamic and a range of factors point to this growing across the Authority. For example, whilst the Core Strategy has a target of delivering around 650 affordable dwellings per annum (dpa) the Council's (SHMA)<sup>29</sup> (2017), based on its objectively assessed need (OAN) identifies a higher level of need of around 719 affordable dpa<sup>30</sup>. In contrast the Council

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<sup>22</sup> SoCG

<sup>23</sup> CD A10

<sup>24</sup> CD K1

<sup>25</sup> APP/Y3940/W/21/3278256

<sup>26</sup> SoCG

<sup>27</sup> Accounting for the loss from the affordable stock from right to buy

<sup>28</sup> Mr Stacey's PoE figure 6.2

<sup>29</sup> Strategic Housing Market Area – should this be Assessment in this context – as with dpa I would put in full in the text for ease of reading the put abbreviation in brackets and omit footnote

<sup>30</sup> Wiltshire SHMA 2016-36

continues to under deliver with on average, a net figure of 555 affordable dpa. This undersupply is an important contributory factor in the increase of the affordability ratio from around 7.5 in 2011<sup>31</sup> to 11.3<sup>32</sup> in 2020.

72. The range of market signals<sup>33</sup> are further evidence of the levels of housing stress. These signals include the high number of people accepted on the housing register (despite changes made to the local criteria) and those who are homeless. Finally, across Wiltshire, the waiting times required for families to access affordable properties<sup>34</sup> are rising. These times vary from 3.1 years to 10.7 years for 2 bed or 4 bed properties respectively.
73. Through the application of the Sedgefield approach<sup>35</sup> the appellant has calculated that to deliver against the SHMA 2017 the Council would be required to deliver around 899 affordable dpa for the period of the Core Strategy until 2025-26. Given the historical rate of under delivery it is extremely unlikely that this could be achieved given the Council's estimate of delivery for this area of Wiltshire from 2019-2024<sup>36</sup>.
74. Within the Melksham area the delivery of affordable housing has reflected the County wide trend. Within Melksham Parish and the wider Community Area 383 and 457 households respectively are in housing need. This is despite housing commitments and completions exceeding requirements.
75. Although 534 affordable dwellings have been completed between 2009/10-2020-21 and around 277 units are in the pipeline<sup>37</sup> or being delivered, the level of affordable housing need is acute. In contrast on this single issue the inclusion of just 6 affordable dwellings in the single housing allocation of the JMNP does not readily reflect the extent of housing need in the area.
76. Although the appeal scheme does not accord with the provisions of CP44 as a rural exception site, the provision of 100% affordable housing complies with Policy CP43 and the mix included in the UU complies with Policy CP 45. For this reason, the Council affords the provision of affordable housing significant weight.
77. I conclude, therefore, that there is a pressing need for affordable housing and the appeal scheme is not in conflict with Policies CP43 and CP45. As with all the other main issues this is a matter for the planning balance.

### **Other Matters**

78. There are objections concerning the amount of traffic generated by the appeal scheme and its impacts on highway safety. The appellants evidence<sup>38</sup> identifies that Semington Road carries around 2,338 vehicles during the period 0700-1900hrs each day and that the appeal scheme would generate around 237 additional trips. Critically during the morning and evening peak periods the additional traffic generated by the appeal scheme would be around 30 and 27

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<sup>31</sup> Wiltshire Community Plan 2011-2026 (2011)

<sup>32</sup> NHF Home Truths reports 2017-18 and 2019-20

<sup>33</sup> PoE Mr Stacey

<sup>34</sup> PoE Mr Stacey

<sup>35</sup> A term used to describe the concentration of housing delivery to fulfil the Local Plan's housing requirements in the last years of the plan period.

<sup>36</sup> Housing Land Supply Statement 2020

<sup>37</sup> CD H10

<sup>38</sup> CD A10 Transport Assessment

- vehicles respectively. On the evidence before me, I do not regard these figures as excessive which could cause congestion and compromise highway safety.
79. The Transport Assessment includes a Road Safety Audit which considered the safety of both the western and eastern crossing points on the A350. This concluded that despite the operation of the toucan crossing point on the eastern side, waiting times were shorter when compared to the western side due to the limited opportunities for pedestrians to cross in gaps in the traffic. However, a series of upgrades to signage were suggested by the report. I am satisfied that these would be funded by the capital monies included in the UU submitted with the appeal and that highway safety would not be compromised by the appeal scheme.
80. There is no evidence before me that noise or air pollution arising from vehicles from this site would amount to a compelling reason to dismiss additional housing in this location. The UU includes funding for the provision of air quality measuring equipment. Furthermore, the appeal is accompanied by a Travel Plan designed to encourage trip generation by sustainable modes rather than rely on private transport.
81. There are also objections about the capacity of services such as schools and doctors' surgeries to withstand further demands arising from the future occupiers of the proposed scheme. Demand for additional school places has been addressed through contributions included in the UU for the provision of additional school places. Further, there is no substantiated evidence before me which indicates that existing medical services could be overwhelmed by the needs of the new residents of the appeal scheme.
82. The site is a Grade 2 arable field and is defined as 'best and most versatile' land. An Agricultural Assessment report prepared for the withdrawn application for the development of the whole field was submitted with this application. This highlights the high proportion of Grade 2 agricultural land in Wiltshire when compared to the rest of the south-west. Whilst the loss of Grade 2 agricultural land is a factor to be considered in the planning balance it is not a matter to which I accord significant weight.
83. I have included a condition in respect of the need for archaeological investigation to be carried out in advance of buildings works commencing on the site to address the concerns raised given that this is a greenfield site in close proximity to an area of settlement.
84. The UU included with the appeal does not include a commitment to the provision of capital moneys towards the Melksham Link. However, this road scheme is an aspiration contained within adopted policies. Therefore, funding for this would not comply with the tests required for planning obligations included in Paragraph 57 of the Framework or the CIL Regulations.
85. I note the comments from the Salisbury and Wilton Swifts Group and have included a condition in respect of the requirement for appropriate measures to be included in the development.
86. Recently granted planning permissions for residential development including a scheme for 50 dwellings indicated that the area is experiencing development pressure. However, the Council does not have sufficient supply of housing land to provide the homes that are needed.



87. Melksham is a market town in tier 2 of the Council's settlement hierarchy. This means that there is a range of services which are available for residents of the proposed scheme. The scheme is of a scale commensurate with the size of Melksham and its location offers a genuine choice of transport other than private car to access these services.
88. The appeal is accompanied by a Preliminary Ecological Appraisal. I have included a condition requiring that the range of mitigation measures included in this report be completed prior to development proceeding so as to reduce the extent of its impacts.
89. I acknowledge that other matters have been raised by the parties regarding the rights of access to the rear of the Townsend Farm. However, this is a matter which falls outside the remit of my decision.

### **Planning balance and conditions**

90. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework places considerable emphasis on sustainable development and highlights the delivery of new housing as a national priority. It is an important material consideration in planning decisions.
91. Both parties recognise that there is a deficit of housing land as required by the Framework. This, together with the age of the most important policies deems that they are out of date. The tilted balance is engaged by Paragraph 11d)ii and footnote 8 which requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when assessed as a whole.
92. The fact that policies have to be considered as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219, which amongst other things, states that the closer that local policies are to policies in the Framework, the greater weight that may be given to them. As such, it is perfectly possible for policies which are deemed out of date for reason of an inadequate land supply to still carry significant weight.
93. The most important policies identified by the parties in the Statement of Common Ground are rooted in the Framework. Policies CP1, CP2 and CP15 are predicated on the principles underpinning the Framework in seeking to direct new development to sites in line with the hierarchy of existing settlements including Melksham as a market town. Furthermore, although Policy CP2 reflects a housing target which is out of date, the application of the standard method results in a similar annual requirement. I agree with the Council that these policies can only be accorded 'moderately significant weight'<sup>39</sup> given the housing land supply position but find that there is only limited conflict between them and the appeal scheme.
94. These 3 policies are consistent with JMNP1 which aims for a carbon neutral future, through amongst other matters, reducing dependency on private transport and requiring development within settlement boundaries (JMNP6).

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<sup>39</sup> Mr White PoE paragraph 4.26

- However, whilst the appeal site is located just outside the settlement boundary its proximity to the town centre allows access by a genuine choice of transport modes.
95. Policies CP51, CP 57 and JMNP17 are consistent with the settlement strategy in seeking to protect the countryside from new development. Further they require the protection of landscape, topography and ensure a transition from settlement edge to the countryside whilst maintaining the distinctive character of settlements. These policies are consistent with Paragraphs 174 and 130 of the Framework in recognising the intrinsic beauty of the countryside and requiring development to contribute to a sense of place sympathetic to its landscape setting.
96. However, given the localised and moderate level of landscape harm which would arise from the appeal scheme I accord only limited weight to the conflict between these policies and the proposed scheme. The submission of details at reserved matters stage would allow for greater consideration of landscaping. Furthermore, the loss of the site as BMV Agricultural land is not so great as to prejudice the sustainability of farming in the locality.
97. Set against the limited harm arising from the appeal scheme's location is that it would deliver an amount of affordable housing which exceeds what is required by Policy CP43 with a mix compliant with Policy CP45, reflecting the specific needs of Wiltshire. Both these policies accord with the essential thrust of Paragraph 62 of the Framework and would contribute to its social dimension. Both parties agree that substantial weight should be given to the inclusion of 100% affordable housing<sup>40</sup> in the appeal scheme.
98. Furthermore, the appeal scheme would have economic benefits both in the short term through the creation of jobs during the construction period and in the longer term through additional spend by its residents in local shops and services.
99. Despite the achievement of housing requirements for Melksham, delivering affordable housing remains a pressing need for the whole Council. The fact that the Council has specific requirements for community areas has still resulted in a need to increase substantially the supply of land for affordable housing. The Council's suggested Action Plan designed to improve management arrangements<sup>41</sup>, lacks additional resources and for this reason, is unlikely to deliver a step change in affordable housing delivery as would be required to fully address this issue.
100. I acknowledge the Council's position that a planned approach should be maintained through the emerging Local Plan. Whilst the Core Strategy review anticipates significant levels of housing growth for Melksham in a way which could integrate a revised JMNP, the Council's suggested timeline for adoption is extremely ambitious<sup>42</sup>. The suggested timelines for the commencement of the appeal scheme drawn from its own research<sup>43</sup> do not fully reflect that it would be for 100% affordable housing and not subject to the fluctuations of market conditions which can affect deliverability. The scheme could be delivered within the timeline anticipated by the Council for the completion of the plan review.

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<sup>40</sup> SoCG paragraph 4.14

<sup>41</sup> Mr White PoE

<sup>42</sup> Mr White PoE

<sup>43</sup> Delivery Statement



101. 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.
102. I am aware of a decision of an Inspector colleague<sup>44</sup> who found in favour of the policies of the Development Plan which included a Neighbourhood Plan in an appeal in Farnham despite the inclusion of a higher proportion of affordable dwellings than local policy required. However, whilst I am not acquainted with all the details of that appeal or bound by such decisions that case can be distinguished from the appeal before me in that the amount of development was far larger with potentially greater impacts on landscape and that the percentage of affordable housing was only marginally above policy requirements compared to 100% in the scheme before me.
103. Although the Council has a positive HDT score<sup>45</sup> the declining housing land supply is likely to constrain future delivery undermining current targets and more importantly impacting on the delivery of affordable housing and by extension the affordability ratio.
104. I do not accept the Council's argument that a decision to allow this development would both fatally undermine the JMNP within a year of its adoption and the Government's commitment that the planning system should be a 'platform for local people to shape their surroundings'<sup>46</sup>. The benefits of a scheme which could deliver 50 affordable dwellings to address housing need in a location which affords genuine modal choice to services has to weighed against the limited harm arising from its landscape impacts. Although the proposed scheme conflicts with the JMNP and the Development Plan as a whole such harms do not significantly and demonstrably outweigh its benefits.
105. For the above reasons, I allow the appeal and grant planning permission.

### **Conditions**

106. Following the roundtable discussion during the Inquiry I have imposed planning conditions which largely reflect those included in the Statement of Common Ground. I am satisfied each of these are supported by adopted policies.
107. I have imposed a condition specifying the plans on which this decision is based for reasons of certainty. As this is an outline application, I have imposed a condition in respect of the outstanding reserved matters and the times for submission.
108. Given that the site is a green field lying close to an existing settlement, I have imposed a condition requiring archaeological investigations to be completed in advance of the construction programme commencing.

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<sup>44</sup> APP/R3659/W/20/3262641

<sup>45</sup> Housing Delivery Test (2022)

<sup>46</sup> NPPF – Paragraph 15

109. I have imposed a series of conditions to protect local ecology. These include details of a lighting strategy specifying the extent of potential spillage and brightness, the implementation of the recommendations included in the ecological assessment, the location of bat boxes and swift blocks and the submission of an ecological method statement identifying protection zones for the trees and hedgerows around the site.
110. Following the Council's original reason for refusal related to the possibility of flooding I have imposed a condition regarding the discharge of surface water from the site in line with the advice of the LLFA in its letter dated 7 January 2022.
111. For reasons of highway safety, I have imposed a condition specifying details of sight lines at the proposed junction of the proposed access with Semington Lane with restrictions on boundary treatment to ensure that these are maintained free from obstruction.
112. To safeguard the living conditions of surrounding occupiers from the environmental issues such as dust and noise which could arise during the construction period, I have imposed a condition in respect of a construction environmental management plan.
113. To facilitate access to local centres from the site other than by private transport I have imposed a Grampian style condition requiring the installation of a new bus stop on the north bound carriageway along Semington Road. For the same reason, I have imposed a condition requiring that the Travel Plan can be commenced in advance of occupation of dwellings, and that a travel plan co-ordinator can be appointed to deliver on the plan. Finally, I have imposed a condition requiring the inclusion within the scheme of electric vehicle charging points to reduce dependency on fossil fuels.

*Stephen Wilkinson*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following plans: SLP1 Site Location Plan and CTP-18-500 SK02.
- 5) No development shall commence within the area of the application site until a written programme of archaeological investigation, which should include on site work and off site work such as the analysis, and publishing and archiving of results, has been submitted to and approved by the local planning authority; and the programme of archaeological work has been carried out in accordance with the approved details.
- 6) No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and agreed in writing by the local planning authority. This should address the matters raised in the Council's letter, as LLFA dated 7 January 2022.
- 7) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
  - i) An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location
  - ii) Responsible persons and lines of communication
  - iii) A description of the construction programme
  - iv) Site working hours and a named person for residents to contact
  - v) Detailed site logistics arrangements
  - vi) Details of parking, deliveries and storage
  - vii) Details regarding dust and noise 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, and
  - ix) Communication procedures during the construction programme with the LPA and local community regarding key construction issues – newsletters, fliers etc
- 8) Prior to the commencement of development, an Ecological Construction Method Statement shall be submitted to the local planning authority for approval. This will include all protection zones for trees and hedgerow protection buffers. It will also include precautionary measures to ensure that nesting birds, reptiles and small mammals are not at risk of death or

injury as a result of the construction process. The development shall be undertaken in accordance with the approved Ecological Construction Method Statement

- 9) Prior to the occupation of the first dwelling, details of the charging points infrastructure shall be submitted to and approved in writing by the local planning authority. No individual dwelling shall be occupied until the points have been installed in accordance with the approved details.
- 10) Prior to commencement of development an acoustic report shall be submitted to the local planning authority for approval in writing prior to its implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this, which if approved, must be implemented in full and maintained in that way in perpetuity.
- 11) No residential unit shall be occupied until those parts of the Residential Travel Plan capable of being implemented prior to occupation 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.
- 12) Notwithstanding the details of the development access shown on plan CTP-18-500 SK02, prior to first occupation, the access shall have been provided to the following standards:
  - a) Junction radii 7.5metres, and
  - b) Carriageway width over at least the first 10metres from the edge of Old Semington Road, 6metres.
- 13) Prior to the occupation of any dwelling hereby permitted, the main access to the site shall be provided with visibility splays with nothing to exceed the height of 0.6 metres above carriageway level between the carriageway edge and a line from a point 2.4 metres back along the centreline of the access from the carriageway edge to points on the near side carriageway 42 metres in both directions.
- 14) Prior to the occupation of the first dwelling details shall be submitted for approval to the local planning authority of a new bus stop to be provided for northbound buses located to the south of the access point to the site. The new bus stop shall include high access kerbs, improved footway surfacing at the location of the high access kerbs, and a bus stop flag sign with timetable case. The bus stop details when approved shall be implemented prior to occupation of the first dwelling.
- 15) Prior to commencement of the development a Lighting Strategy for the site shall be submitted to the local planning authority for approval. This

shall give details of lighting units proposed and shall include a lux plot that demonstrates that it will be possible to maintain a level of no more than 0.5 Lux at the canopy edge of trees and the edge of boundary hedgerows. This shall be implemented before occupation of the first dwelling.

- 16) The mitigation measures detailed in the approved ecological assessment dated July 2020 (contact No. 70) shall be carried out in full prior to the first occupation of any dwelling in the development and/or in accordance with the approved timetable detailed in the ecological assessment.
- 17) Prior to the commencement of development, a plan developed by an appropriately qualified ecologist shall be submitted to and approved in writing by the LPA of: integral bat roosting and integral Swift Bricks within buildings. The agreed Plan shall show the number, specification of the bat roosting and Swift Brick features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter.”

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Gary Grant	of Counsel
He called	
Mr William Harley BSc (Hons) CMLI	Director of WH Landscape Consultancy
Mr Adam White MA MRTPI	Evans Jones
Mr Ruaridh O'Donohue	Solicitor

### FOR THE APPELLANT:

Ms Thea Osmund-Smith	of Counsel
She called	
Ms Katie Machin BSc PG DIP LA CMLI	Environmental Director Pegasus Group
Mr James Stacey BA (Hons) Dip TP MRTPI	Tetlow King Planning
Ms Rosie Dinnen BA (Hons) Dip TP MRTPI	Tetlow King Planning
Matthew Tucker	Solicitor, Bevan Brittan

### INTERESTED PERSONS:

Cllr Richard Wood	Melksham Town Council
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## Inquiry Documents

<b>ID1</b>	Appellant's openings
<b>ID2</b>	Council's openings
<b>ID3</b>	CIL compliance statements
<b>ID4</b>	Site visit itinerary
<b>ID5</b>	Mr Harley table Summary of Visual Effects (revised table 2 based on Ms Machin's proof)
<b>ID6</b>	Draft Unilateral Undertaking
<b>ID7</b>	Draft conditions
<b>ID8</b>	PPG extracts
<b>ID9</b>	Letter from Sovereign Housing dated 1 March 2022
<b>ID9</b>	Council's closings
<b>ID10</b>	Appellant's closings

## **Statement from Councillor Richard Wood on behalf of the Melksham Neighbourhood Plan steering group and Melksham Without Parish Council:**

"We are all very disappointed to hear the news that this appeal has been upheld. In his report, the Planning Inspector clearly identifies that the Melksham Neighbourhood Plan meets all the eligibility criteria for protection against speculative development under the NPPF (National Planning Policy Framework) and cites where the application conflicts with several policies in Wiltshire Council's Core Strategy and the Melksham Neighbourhood Plan but on this occasion has upheld the appeal as the 50 proposed dwellings will be 100% affordable housing, rather than the 30% statutory requirement in this area; this is to meet a shortfall in Wiltshire.

As the outgoing Chair of the Neighbourhood Plan steering group, I was shocked that this appeal was allowed. We must hope that this does not offer an open door to more speculative applications. I am sure that all areas with made plans will be wondering whether it will be them next. What will be most interesting, is how Wiltshire Council will consider future applications in the light of this decision, we will be watching closely and be discussing with them in the near future."





## Lorraine McRandle

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**Subject:** FW: WALPA - Notes and Actions from our last meeting  
**Attachments:** WALPA – 17th May.pptx

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**From:** Campbell Ritchie <campbellrmtc@gmail.com>  
**Sent:** 19 May 2022 10:01  
**To:** Various Town/Parish Councils  
**Subject:** WALPA - Notes and Actions from our last meeting

Dear All

Thanks to everyone who made the meeting on Tuesday.

Please find attached the copy of the slides. (One is a straight copy and paste of the key sections in the policy paper accompanying the planning elements of the Levelling Up Bill).

The Key Points from the Levelling Up and Regeneration Bill proposals are that the Government wants:

- ‘A genuinely plan-led system. Getting simple, meaningful local plans in place faster that give more certainty to communities that the right homes will be built in the right places.’
- Planning decisions must be made in accordance with development plans and national development plan policies unless ‘material considerations **strongly** indicate otherwise’
- Local Plan making simplified and targeted at 30 months
- Policy aim that 5YHLS **not a trigger in first 5 years of new Local Plan**

The proposed actions from the meeting are:

- To look closely at WC’s approach to new and not yet decided speculative applications based on new 5YHLS calculation; are we seeing a more robust defence of NP’s?
- Re-enforcing our offers to support WC’s on the ground information collection on progress on agreed developments.
- Push for an early as possible next 5YHLS calculation. (WC’s own target is less than 6 to 9 months).
- Continuing to seek a robust defence of NP’s while they are left exposed by the late-running Local Plan update.
- Keeping up the pressure on WC and government to minimise damage to NPs:
  - Support for NP Reviews
  - Challenging current Inspector inconsistencies
  - Demanding interim NPPF changes
  - Influencing new NPPF development
- For each NP team to engage again with their local MP on the above and the detail we need to see in the Levelling Up Bill and updated NPPF.
- For each WALPA group could produce a short summary of where they are in NP terms we can collate and share to help inform our activity and case making:

- a. Name of NP.
- b. Geographic Area.
- c. Date Made/ Expected to be Made.
- d. Any Current Action (e.g. Being Reviewed)
- e. Current applications agreed or being considered since April 2020 not in accordance with NP (inc size and stage reached).

e.g

Name of NP	Geographic Area	Date Made/ Expected to be Made	Any Current Action	Current Application Summary (NOT in accordance with NP). Name/ Scale/ Status
Malmesbury	Malmesbury, Brokenborough, St Paul Malmesbury Without	Made March 2015	Under Review. At Public Consultation. Expected to be Re-Made June 2022	<p>Filands 1 – 71 houses: Passed by SPC. May 2020</p> <p>Filands 2 – 70 houses. Non determination. Passed on Appeal. Jan 2022.</p> <p>Park Road 1 and 2.</p> <p>78 houses. Rejected by SPC. At Appeal July 2022.</p> <p>Filands 3. Non-determination. Hearing June 2022.</p>
Your Info Here: (Return to Campbell)				

Finally, we haven't had a written response yet to the proposals we made to WC at our recent meeting. Two weeks have elapsed. We will chase for this next week.

Thanks

Campbell

07802638424

# WALPA – 17<sup>th</sup> May

# Where are we?

- ‘Perfect Storm’:
  - 2019 NPPF Changes,
  - WC Loss of 5YHLS – April 2020
  - Local Plan significantly late
- Crisis for Neighbourhood Planning caused by planning decisions since April 2020
- Our response: attempts to influence WC and government
  - WC engagement with issues and opportunities – ‘at the edges but at least the Strategic Planning Committee has not been a steam-roller’
  - WC and our MP’s representing the residents of Wiltshire
- Latest 5YHLS shortfall – 4.71
- Latest government proposals – Levelling Up and Regeneration Bill

# What we learned at meeting with WC:

- There is little sign the quiet lobbying by WC and our local MPs is persuading government to make the essential changes to the NPPF and 5 Year Housing Land Supply calculation required to reverse the damage being done to support Neighbourhood Planning.
- Nick has little to no appetite to join us into a joint approach to and with MPs and government. 'He is doing all he can' and 'nothing more can be done'.
- There was no stated knowledge of what might be in next week's Queen's Speech on planning, if anything.
- There is some interest in some of the practical proposals we made for presentation to government and for action in Wiltshire.
- Against this there is work to do to move WC beyond a relationship where it is still easier to 'do to' towns and parish councils with Neighbourhood Plans rather than 'do with'. There is a preference to deliver 'training' rather than engage in explanation, discussion and partnership.
- There was contrition about the lack of environment and ecology resource that has significantly delayed Reviews for the Neighbourhood Plans that are urgently going through the Review process; hopefully this will now not be a continuing problem.

# What we learned at meeting with WC:

- WC will flag to the Planning Inspectorate concerns about lack of consistency in Planning Officer treatment of the significance of the 5YHLS shortfall.
- There was support for our proposals to be as strong and as time limited as possible on time based progress conditions to be attached to approvals.
- WC is interested in engaging Neighbourhood Plan councils and non NP councils with providing supporting information into the WC team undertaking 5YHLS reviews. In particular to (i) push builders to making progress with developments with planning permission and (ii) on brownfield, office to housing and windfall sites.
- WC reported they are not minded to seek any formal legal advice on the substantive question we are investigating on the ability of government to degrade Neighbourhood Plans formed through primary legislation by the operation of NPPF rules. There was no time for discussion on this view or the other questions where we think legal advice would be helpful. (Note: We will continue to get our quotes for discussion as a group).
- We will be sent a headline response to the points we raised before the meeting but were not discussed. There was not an immediate indication WC is contemplating some brave policy making to support Neighbourhood Plans but the door was not closed.
- WC is reluctant to commit to a schedule for future meetings with ourselves (either our Steering Group or WALPA as whole and or Neighbourhood Plan groups as a whole). Given past commitments by WC officers (and our own commitment not to expect meetings for meetings sake) this is frustrating!

# Levelling Up and Regeneration Bill – Key Points on Planning v current issues

- Government Aim: ‘A genuinely plan-led system. Getting simple, meaningful local plans in place faster that give more certainty to communities that the right homes will be built in the right places.’
- Planning decisions must be made in accordance with development plans and national development plan policies unless ‘material considerations strongly indicate otherwise’
- Local Plan making simplified and targeted at 30 months
- Policy aim that 5YHLS **not a trigger in first 5 years of new Local Plan**

**Our programme for making better places <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information>**

### **A genuinely plan-led system**

**Getting simple, meaningful local plans in place faster that give more certainty to communities that the right homes will be built in the right places.**

In the Bill

The Bill makes several changes to strengthen the role of democratically produced plans, so that decisions on applications are more genuinely plan-led:

- **Local plans will be given more weight when making decisions on applications, so that there must be strong reasons to override the plan.** The same weight will be given to other parts of the development plan, including minerals and waste plans prepared by minerals and waste planning authorities, neighbourhood plans prepared by local communities, and spatial development strategies produced to address important planning issues at a more strategic scale.
- To help make the content of plans faster to produce and easier to navigate, policies on issues that apply in most areas (such as general heritage protection) will be set out nationally. These will be contained in a suite of National Development Management Policies, which will have the same weight as plans so that they are taken fully into account in decisions.
- Several other changes are provided for to improve the process for preparing local plans and minerals and waste plans: digital powers in the Bill will allow more standardised and reusable data to inform plan-making; a series of ‘Gateway’ checks during production will help to spot and correct any problems at an early stage; there will be a new duty for infrastructure providers to engage in the process where needed; and the ‘duty to cooperate’ contained in existing legislation will be repealed and replaced with a more flexible alignment test set out in national policy (see below). New Local Plan Commissioners may be deployed to support or ultimately take over plan-making if local planning authorities fail to meet their statutory duties. These changes will increase the numbers of authorities with up-to-date plans in place (currently only at 39%), giving more communities a meaningful say over new development in their area while supporting new homebuilding.
- Opportunities for communities and other interested parties to influence and comment on emerging plans will be retained, with the digital powers allowing both plans and underpinning data to be accessed and understood more easily.
- Local planning authorities will have a new power to prepare ‘supplementary plans’, where policies for specific sites or groups of sites need to be prepared quickly (e.g., in response to a new regeneration opportunity), or to set out design standards. These plans will replace the ‘supplementary planning documents’ which councils produce currently, but which do not carry the same weight.
- The Bill will also enable groups of authorities to collaborate to produce a voluntary spatial development strategy, where they wish to provide strategic planning policies for issues that cut across their areas (echoing the powers conferred on some Mayoral combined authorities already).

Proposals which were set out in the Planning for the Future White Paper for all land to be placed in prescribed categories and linked to automatic ‘in principle’ permission for development in areas identified for development, are not being taken forward. Local plans, including minerals and waste plans, will also continue to be assessed for whether they are ‘sound’ at examination, but we will review whether the current tests are sufficiently proportionate as part of the work to update the National Planning Policy Framework, detailed below.

As well as giving neighbourhood plans greater weight in planning decisions, the Bill will increase the accessibility of neighbourhood planning by allowing parish councils and neighbourhood forums to produce a simpler ‘neighbourhood priorities statement’ which the local authority will be obliged to take into account when preparing its local plan. The Bill also includes new ‘street vote’ powers, allowing residents on a street to bring forward proposals to extend or redevelop their properties in line with their design preferences. Where prescribed development rules and other statutory requirements are met, the proposals would then be put to a referendum of residents on the street, to determine if they should be given planning permission.

Alongside the Bill

**To incentivise plan production further and ensure that newly produced plans are not undermined, our intention is to remove the requirement for authorities to maintain a rolling five-year supply of deliverable land for housing, where their plan is up to date, i.e., adopted within the past five years. This will curb perceived ‘speculative development’ and ‘planning by appeal’, so long as plans are kept up to date. We will consult on changes to be made to the National Planning Policy Framework.**

**This is just one of the changes that we intend to make to the National Planning Policy Framework to support effective implementation of the Bill. Most fundamentally, we will need to identify and consult on the National Development Management Policies which will sit alongside plans to guide decision-making. They will be derived from the policies set out currently in the National Planning Policy Framework, where these are intended to guide decision-making, but we will also identify and seek views on any gaps in the issues which are covered. The rest of the National Planning Policy Framework will be re-focused on setting out the principles to be taken into account in plan-making, whilst also streamlining national policy, making it more accessible and user friendly.**

**Alongside this, regulations will be updated to set clear timetables for plan production – with the expectation that they are produced within 30 months and updated at least every five years.** During this period, there will be a requirement for two rounds of community engagement before plans are submitted for independent examination. We will also produce new guidance on community engagement in planning, which will describe the different ways in which communities can get involved and highlight best practice, including the opportunities which digital technology offers. Any new digital engagement tools will sit alongside existing methods of engagement (such as site notices and neighbour letters). For decision making, the Bill will also enable pre-application engagement with communities to be required before a planning application is submitted, remove the sunset clause, making the powers which currently



# What next?

- WC approach to new and not yet decided speculative applications – what are we seeing?
- Working in partnership with WC?
- Next 5YHLS calculation
- Managing until there is an updated Local Plan
- Keeping up the pressure on WC and government to minimise damage
  - Support for NP Reviews
  - Challenging current Inspector inconsistencies
  - Demanding interim NPPF changes
  - Influencing new NPPF development



**JOINT MELKSHAM NEIGHBOURHOOD PLAN REVIEW | NOTE OF STEERING & WORKING GROUPS SURGERY | Melksham Rugby Club | 3.00pm-9.00pm 25 May 2022**

**PRIORITY TOPICS: PROCESS, PROGRAMME AND ACTION PLANNING**

**HOUSING GROUP: Tasks, Timeline and Next Steps**

**Baseline Chapter Update / Refresh (June)**

- Review and update chapter introduction and background text
- Review and update/roll forward Policies 6 (Settlement Boundaries) & 7 (Allocation)
- Prepare JMNP2 chapter for new policies/allocation
- Review Vision and Objectives

**Housing Needs Assessment (May – October)**

**AECOM (June- September)**

- Monitoring AECOM progress
- Liaison and Coordination; Synchronising input of local housing survey results with AECOM study.  
NB Local study results scheduled July 2022
- Receive & review draft AECOM HNA
- Sign-off HNA (possibly Aug)

**Local Housing Survey (June)**

- Place Studio to provide final draft local survey
- Agree final survey
- Upload onto consultation website
- Integrate local comms and off-line outreach
- Coordinate into local summer community events
- Integrate / synchronise with AECOM HNA
- Close survey, collate feedback provide to AECOM

**Criteria Policy (September-October)**

- Draft new “Housing to Meet Local Needs” policy (Place)
- Draft supporting text (WG)
- Finalise consolidated HNA evidence base
- Identify specialist need (eg accessible housing & rural exception policy)

**Housing Sites Selection and Potential Allocation (May- Nov)**

**Resolve the Scope and Work Process/Programme**

- Agreement of key housing chapter review priorities
- Process and programme planning – (See below)
- Steering Group and TC/PC validate JMNP2 approach to housing policy review 29 June

**Gearing Up**

- Secure technical support (sites assessment and SEA)
- Community communications

**Available Sites List Assembly**

- Advertise Local Call for Sites (6 weeks – Ends 6 June)
- Wiltshire Council Dialogue for SHELAA site owner engagement (Ends 6 June)
- Compile potential available sites long list for assessment
- Submit to AECOM for assessment

**AECOM Sites Assessments (June- Sept)**

- Commence/proceed AECOM sites assessment
- Receive, review & sign off AECOM assessment report
- Add local knowledge

**Engagements (Sept/Oct)**

- Owner/promoter engagement (shortlisted sites - community benefits)
- Wilts Council (Local Plan) – Reg 19 proposals (housing target and strategic sites)

**Draft Allocation Sites Selection (Oct/Nov)**

- Draft sites selection
- Sites criteria (link to HNA)
- Sites infrastructure (link to IDP)
- Identify aspiration sites (eg town centre area)

**SEA Screening and Initiation (June- Nov)**

- Request Wilts SEA Screening Opinion (while plan c6 weeks) (June)
- Receive SEA screening opinion (Aug)
- Initiate AECOM SEA Process (c4 months) (Aug-Nov)
- Potential policy amendments)

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**ENVIRONMENT GROUPS**

**Local Green Spaces Group: Tasks, Timeline and Next Steps**

- 5<sup>th</sup> June - consultation / nomination phase closes
- 12<sup>th</sup> June - Place Studio to aim to get the full long list to the task group. This will have been through a first shift to remove obvious non contenders (ie Giles Wood as it is outside the Parish boundary) and consolidate where there are multiple nominations.
- 23<sup>rd</sup> June – Task group to meet (hybrid with Place Studio attending virtually) to discuss and agree approach to shifting the long list.
- Agree short list (date to be done by TBC)
- Feedback to the community – highlevel (no's of nominations / next stages etc) (July)
- Mapping
- Landowner consultation (July / August)
- Final list of designations agreed and mapped (aim for September / October)

**Heritage (Local Listing) Group: Tasks, Timeline and Next Steps**

- 13<sup>th</sup> June - consultation / nomination phase with the online map closes
- Ahead of the 23<sup>rd</sup> task group to share back initial list
- 23<sup>rd</sup> June – Task group to meet (hybrid with Place Studio attending virtually) – SAME DATE AS LOCAL GREEN SPACE and discuss initial list
- Feedback to the community (July)

- Mapping
- Owner consultation (July / August)
- Final list of designations agreed and mapped (aim for September / October)

### High Quality Design (Character Coding) Group: Tasks, Timeline and Next Steps

#### Baseline Priority Statement / Refresh (June – Oct)

- Chapter background text and policy review and update  
NB Policy 18 to include (potential) direct reference to “adopted neighbourhood area character statement and design code”.

#### Neighbourhood Area Character and Design Code

- Draft brief for AECOM tech support (ref Calne & Calne Without)
- Resolve relationship between Locality tech support & Wilts “pilot” design code toolkit.\*
- Agree working group members (from various topic areas) to inform and guide AECOM
- Secure commencement of AECOM support (inception meeting)
- WG Members to work with AECOM
- Receive and validate draft character statement & code (Oct)  
NB Feed into Housing sites selection process

#### \*Wilts Design Code Pilot

Place Studio was not involved in discussions with Wiltshire Council that has led to Melksham (JMNP SG?) registering interest in becoming a pilot for WC’s design coding toolkit. We cannot therefore advise on its potential use as part of the JMNP2 design coding process. An early task for the working group / SG is to further clarify opportunities with WC, particularly in the context of;

- i. The proposed Locality design coding technical support package
- ii. Design coding of potential strategic allocation site(s) at Melksham that may be proposed within the Wiltshire Local Plan (2036)

It may be possible to focus Locality’s technical support solely on defining local distinctiveness in managing the design of all growth as part of supporting Policy 18. It may then be possible (and advantageous) to secure pilot action with Wilts Council to produce site specific design coding for proposed strategic allocation. This may then embrace local distinctness guidance (Locality output) and delivery of other JMNP1 and 2 objectives including its response to sustainability and climate change.

Clarification of the pathway should be achieved for the 29 June SG meeting. Place Studio can contribute to dialogue where this may assist the QB’s (and is agreed to by Wilts).

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## SUSTAINABILITY AND CLIMATE CHANGE GROUP

### Sustainability and Climate Change Group: Tasks, Timeline and Next Steps

- Baseline Background Text and Policy Review and Update – Place Studio to undertake this and share back with the working group (end of June)
- Research of and reference to Exemplar & Vanguard NDP policies (NB – see [Chippenham](#) and [Marlborough Policy MARL19 – achieving passivehaus standard \(NB – EXAMINERS REPORT](#)

[RELEASED SINCE MEETING – MARL19 amended to change words such as require to encourage....\)](#)

- Agreement of policy refinements/additional policies (July/ Aug)
- Note – also potential new supportive policy for associated development
- QB's to consider associated technical feasibility research eg renewables viability and explore potential local/community led project delivery vehicles and organisation.
- Working group to prepare background on local information (such as the hydro power project associated with the Canal Link project.
- NB – Chippenham conducted a [community survey](#) on Climate Change and ran a CSE workshop – all information about the background work they did is on their website.

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## STRATEGIC PROJECTS GROUPS

### Town Centre Group: Tasks, Timeline and Next Steps

#### Baseline Chapter Update / Refresh (June)

- Review and update chapter introduction and background text
- Review and update/roll forward Policy 8 (Town Centre)\*
- Review Vision and Objectives
- Update Town Centre Priority Statement
- Update Glossary (Town Centre Uses)

\*Taking account new use class E/MA

#### Town Centre Master Plan (June – Nov)

- Seek TC/PC resolution to produce (SG Members) (June)
- Investigate / secure technical support/resources to (assist in) production (Place/SG) (June)
- Draft Brief for Master Plan (June)
- SG Resolution 29 June
- Commission and undertake
- Cross reference with potential sites allocation/aspirations)
- Receive draft and sign off process
- Ensure referenced within TC policy (Nov)

### By-Pass Group: Tasks, Timeline and Next Steps

#### Baseline Priority Statement Update / Refresh (June – Nov)

- Fact-find/engage with Wilts Council (By-pass / Transport Officers) (June)  
NB Findings to link to housing group
- Review and update Priority Statement
- Review and update performance/deliverable criteria (against JMNP1 policies and objectives eg protection of environment)
- Update any other by pass reference in JMNP1

- Include potential safeguarded route in JMNP2 when published in Reg19 Local Plan (for info) (Oct/Nov)
- Resolve JMNP2/TC/PC for position on By-pass (eg qualified support/neutral)

## **Joint Melksham Neighbourhood Plan Review**

### **Canal Link Group**

#### **Tasks, Timeline and Next Steps**

##### **Baseline Priority Statement / Refresh (June – Oct)**

- Fact-find/engage with Canal Trust (Bespoke meeting (NB Not Steering Group) (June)
- Review and update Priority Statement
- Review and update any criteria (against JMNP1 policies and objectives eg protection of environment)
- Update any other canal reference in JMNP1
- Include potential safeguarded route in JMNP2 when published in Reg19 Local Plan (for info) (Oct/Nov)
- Resolve JMNP2/TC/PC for position on Canal Link Project (eg qualified support/neutral)

##### **Potential Sites Assessment Process (June-Nov)**

- SHELAA/Local Call for Sites Selection NB Some SHELAA Sites are within enabling works area.(c900 homes). (See Housing Group Assessment process)
- Engage Wilts Council (Reg 19 Local Plan) (Oct/Nov)
- Resolve if relevant sites are to be proposed to be allocated and next steps (TBD)





# High Court Judge defers decision on Future Chippenham judicial review

Wiltshire Council has been defending a challenge against the Future Chippenham programme, a proposed residential development to the south of the town, in a High Court hearing today, Thursday 26 May 2022.

Published 26 May 2022

Wiltshire Council has been defending a challenge against the Future Chippenham programme, a proposed residential development to the south of the town, in a High Court hearing today, Thursday 26 May 2022.

After hearing arguments from both parties involved, the High Court Judge announced he would reserve his decision and indicated he hoped to get the decision out in approximately three weeks' time.

Court documents were originally served on the council on 20 October 2021 on the grounds that:

- *The public should not have been excluded from part of the Cabinet meeting on 21 July 2021*
- *The council said that it would consult on the Concept Framework proposals and didn't*
- *The council failed to consult in a meaningful way on the final, abridged route to the south*

Cllr Richard Clewer, Leader of Wiltshire Council, said: "The council has robustly defended its position; we are pleased that the Judge has now had the opportunity to hear our arguments and we now await the Judge's ruling on this matter."



## Remedial works land East of Semington Road Melksham.

### Bowood View.

Play area inspection.

Plan app 16/00497.

Officer -S Hawkins

Date -12/05/2022

works identified in the Safety report not completed please see below.

Shear nuts have not been removed.

Hinge bolts require securing.

Surface around the picnic benches requires levelling up with topsoil to take out trip hazard, and grass seed applied.

Reinstate surface around Shelter as above.

One bay two seat cradle, replace missing inserts as necessary.

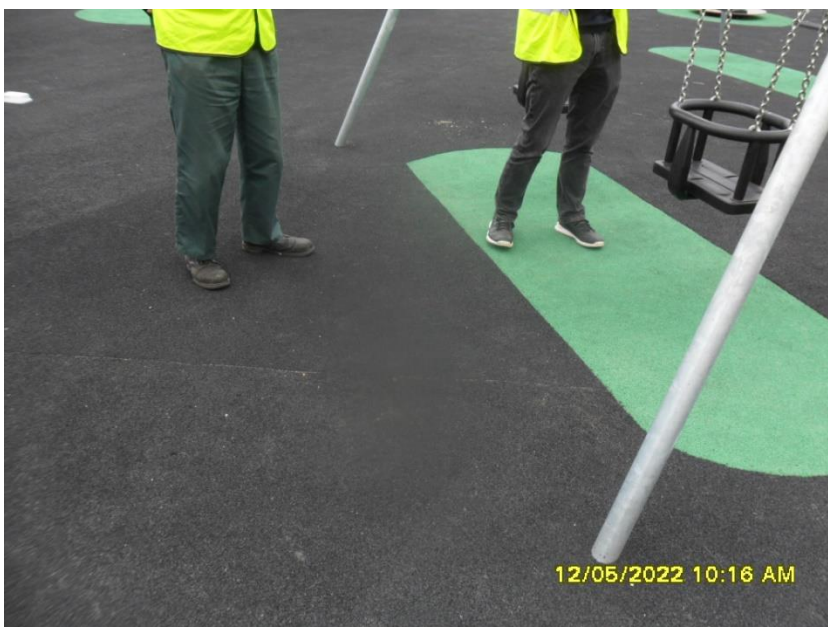
A request was made by Melksham Without Town Council that the safety surface would be laid below the perimeter fence and extend past it for a small distance to prevent grass etc growing in the play area, the existing rubber surface is very poorly laid from this point of view and is very irregular around the perimeter, pic below.



1-Rubber safety surface should be laid in one pour, there are visible joins in the safety surface which are separating and will only get worse over time. This is not acceptable.

Existing surface needs to be completely removed and new surface laid in one pour.

The triangle of safety surface in front of the swing is very solid just below the surface and not the same amount of cushioning as the area opposite? This needs to be investigated prior to relaying surface. pic below.



2-Maintenance Gate needs a removable post fitted in the centre which can be locked by means of a pad lock fitted to prevent opening the gate .pic below.

3-Path in the play area would have been better laid with resin bonded gravel or similar.

Please fit concrete kerb edging to each side of path, timber fitted to one side and nothing on the opposite side so gravel is migrating across the adjacent surfaces.pic below.



4- Please stone pick the area remove weeds make good with topsoil and apply grass seed.pic below.





5-Apply topsoil to take out trip hazard between concrete bases and grass area, pic below.



6-Fit signs, x2 no at entrances to play area Town Council to give details of wording.

The end.

Remedials, Land east Of Semington Road, Melksham.

Bowood View.

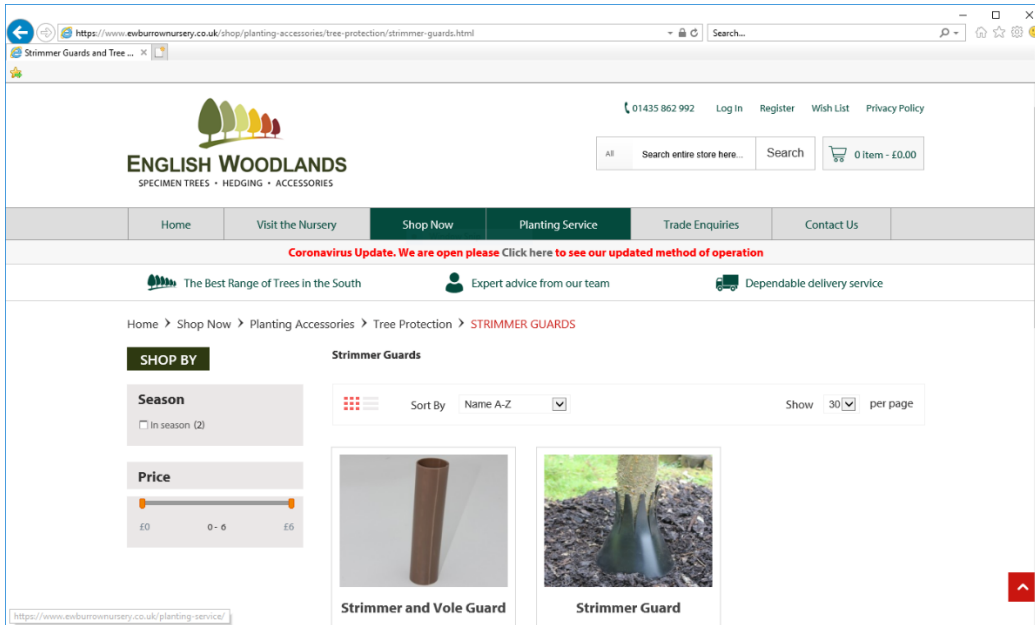
Plan app-16/00497/out

Date 23/05/2022

Officer S Hawkins.

1-Fit strimmer guards to prevent ring barking damage to all saplings where this may occur, pic below and fit strimmer Guards as attached spec, (Not vole type)





2-Remove all pipes to below ground level and make good with topsoil and apply grass seed, pic below.

At least 4no around this area.







3-Clear all rubble form shrub bed, Pic below.



4-knee rail to fit as per the landscape plan. Rail to run from end of open space adjacent Semington Road follow kerb along Telford Drive to meet existing knee rail.pic below.





Remove weeds, thistles etc from open space and make good as necessary. Pic below.



5-Areas of bulb planting indicated on Landscape plan, have these been planted? No evidence to be seen.

6-Make good with topsoil and apply grass seed to all bare areas of soil as necessary, pic below.





7-Area of open space is not available for use as per the S106 , clear all materials make good and apply grass seed and plant 1no sapling as per plan. Pic below.



8-Saplings not planted in area below as per plan .pic below.





9-Straps not nailed to rails, nail as necessary, pic below.



10-Remove all dead trees this to include young Elms, Survey to be carried out to the hedge rows as per the landscape plan. Pic below.



11-Remove timber from ditch, pic below.





12-Fit grill to all pipe work in headwalls in attenuation basins, fit Key clamp type safety barrier to 3no sides of head walls, pic below.







13-Have feature trees been planted, is this tree a feature tree? pic of area of one below.



14-Dog poo bins /litter bins not fitted as per the landscape plans.

15-hardwood Benches and picnic tables not fitted.

16-Weed kill and remove weeds /grass from path back to rear of kerb make good path surface as existing, pic below.





17-Log pile not in area near pond, Pond permanently wet, not the case. Has aquatic planting taken place ?please supply log pile.



18-Clear all dead /fallen trees.pic below.





19-Shrub /Herbaceous planting around pump station and along boundary of Village Hall to be carried out .pic below.



20-Timber sculptures not fitted to represent the line of the old canal.

Information boards to be fitted at the playground, pond, and line of old canal.



21-level up with topsoil and apply grass to all raised manhole covers as necessary to take out trip hazard, pic below.



22-stone pick as necessary across open space, pic below.



23-Apply grass seed as necessary to all bare areas of soil , pic below.





24-level up with top soil and apply grass seed to take out trip hazard between open space and kerb as necessary across open space pic below.



25-Foot path not installed, gravel with timber edging as per spec, pic below.





## Remedials around play area.

- 1- Dog bins missing adjacent litter bins at entrances to play area ( 2no ), as per Landscape Master Plan. pic below.



- 2- Hardwood Picnic benches missing from open space opposite play area (2no).



3-A Sign on the play area fence states keep out, a section of fence that has been used to prevent access via a gate has been removed, members of the public have been in the play area and a child has been seen using the equipment? there are trip hazards etc in the play area which need to be addressed before it is safe for use. pic below.



4-Stone pick as necessary, removed section of barrier removed for access. pic below.



5-Remove weeds, Gap up shrubs beds as necessary with shrubs as per spec and Apply mulch to all shrub beds to a settled depth of 75mm ,pic below.





6-Roots visible, please mulch around tree to protect roots and fit as mentioned strimmer guard to prevent damage to tree and roots by strimmer, pic below.



THE END

# Play area inspection Pathfinder place Melksham.

Date of inspection 25/02/2021. Plan app -16/01123/OUT

Officer. S Hawkins.

Date of inspection 22/04/2022

All the Remedial works listed below are still waiting completion!

Bow top fence, I have agreed that the galvanised finish is acceptable in order to progress the works listed below. Melksham without Town Council have agreed to accept the fence as is.

1-Bow top fence fitted on site is Galvanised, while this is as per the supplied Proludic plan, it is not to the Wiltshire Council specification which is black bow top. (Wiltshire council Play area specification attached for reference.)

2-ROSPA report required, and any defects found, to be corrected prior to issuing a completion certificate.

ROSPA report supplied, but remedial works identified not carried out.

3-Signs to be fitted at each entrance to the play area wording as per Melksham Town Council play area signage.

Signs not fitted, pics below.



Works listed below not carried out.pic below.





4-Lift path adjacent pond to make level with exit from play area. (Pic below)



5-Supply and fit as agreed, sections approx. 3.5 m in length x 1.2 m high panels to match existing play area fence and securely erect at far edge of path to prevent easy access on exit from play area to the pond.

6-Plan of play area required. (supplied)

7- Litter bin requires emptying on a regular basis, pic below.



Double gate, ground socket required to right hand gate to allow drop bolt to locate and to have a pad lock fitted, pic below. (Noted in the ROSPA report.)



The end.

## Lorraine McRandle

---

**Subject:** FW: Potential requests for the application for 650 houses at Blackmore Farm

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**From:** Millard, Paul <Paul.Millard@wiltshire.gov.uk>  
**Sent:** 17 May 2022 17:40  
**To:** Teresa Strange <clerk@melkshamwithout.co.uk>  
**Cc:** Lorraine McRandle <office@melkshamwithout.co.uk>; Thorp, Gemma <Gemma.Thorp@wiltshire.gov.uk>  
**Subject:** RE: Potential requests for the application for 650 houses at Blackmore Farm

Sorry Teresa,  
Comments in red below.

Many thanks  
Paul

Paul Millard  
Countryside Access Officer Central Wiltshire  
Rights of Way and Countryside  
Wiltshire Council  
Telephone: Internal 12821 External +44 (0) 01225 712821 Mobile +44 (0)7788445292  
Email: [paul.millard@wiltshire.gov.uk](mailto:paul.millard@wiltshire.gov.uk)  
Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**From:** Teresa Strange <[clerk@melkshamwithout.co.uk](mailto:clerk@melkshamwithout.co.uk)>  
**Sent:** 13 April 2022 17:21  
**To:** Millard, Paul <[Paul.Millard@wiltshire.gov.uk](mailto:Paul.Millard@wiltshire.gov.uk)>  
**Cc:** Lorraine McRandle <[office@melkshamwithout.co.uk](mailto:office@melkshamwithout.co.uk)>  
**Subject:** Potential requests for the application for 650 houses at Blackmore Farm

Hi Paul

Here is some food for thought for this application....

This has not gone to the parish council yet, but I did have chance to have a look at the map with Cllr Alan Baines (Chair of the Highways Committee which covers RoW) after Monday's meeting.

So, as I say, not the official answer yet, and we can do that as part of the public consultation and copy you in to the council's comments but in terms of initial thoughts:

- Can we sort out the lack of pedestrian access to Praters Lane from Sandridge? The discussions you had with the landowner at the time were not fruitful but is this the opportunity to have a pedestrian access from Sandridge Common, perhaps under the overhead power lines where they are leaving an open space and then joining up on Praters Lane? **Certainly something to look at to improve the connectivity, the route would probably depend on the location of the crossing point (think we are looking at a bridge) of the road (if built). We would also need permission of Lopes close for either a public footpath over the estate or a permissive path. My other thought here is that if a new roundabout is installed would this reduce the need for the crash barrier? As speed may be reduced, if the barrier was removed we might have just enough space for a narrow footway.**
- Initial feedback on surfacing Praters Lane is that it could open this up for use by 4x4s and motorbikes? **Surface improvements would most likely provide a huge benefit to walkers and allow the bridleway to be used all year round, we could take steps to try and limit the use by vehicles with gates, bollards horse stiles and things like that but theses have largely caused more problems than they have solved in other locations, like Green Lane between Hilperton and Trowbridge HILP33 and Green Lane Trowbridge TROW41A, I could**



meet someone on site and go through the issues that these have created. Its all so worth noting that the land owners may still require access to the fields as well.

- What about MELW30 becoming bridleway to connect up bridleways at MELW40 & 41? As there are so many stables in the area? It's a good idea but will depend on the position of the road and where the crossing points are, I believe the closest crossing point of the road would then make MELW30 not a viable route but should it look like it would be of benefit then we could ask, I believe the Western end of MELW30 will be within the area that could be developed. I'm not sure that MELW41 will be that desirable to horse riders if it is within the development area as its likely to be very well used with dog walkers and runners and has little connectivity bridleway wise to the west. .

Have a good easter break!

Kind regards,

Teresa

Teresa Strange

Clerk

Melksham Without Parish Council

Sports Pavilion

Westinghouse Way

Melksham

Wiltshire

SN12 6TL

01225 705700

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