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MELKSHAM WITHOUT PARISH COUNCIL

Clerk: Mrs Teresa Strange

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Tuesday, 30 May 2023

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), Terry Chivers, Mark Harris and Peter Richardson

You are invited to attend the Planning Committee Meeting which will be held on **Monday, 5 June 2023 at 7.00pm at Melksham Without Parish Council Offices (First Floor), Melksham Community Campus, Market Place, SN12 6ES** to consider the agenda below:

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

Click link here:

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

Or go to www.zoom.us or Phone 0131 4601196 and enter: **Meeting ID: 279 181 5985**
Passcode: 070920. Instructions on how to access Zoom are on the parish council website www.melkshamwithout.co.uk. If you have difficulties accessing the meeting please call (do not text) the out of hours mobile: 07341 474234

YOU CAN ACCESS THE AGENDA PACK HERE

Yours sincerely,

Teresa Strange, Clerk



Serving rural communities around Melksham

AGENDA

1. To Appoint a new Chair and Vice Chair of Planning Committee.
2. Welcome, Announcements & Housekeeping
3. To receive Apologies and approval of reasons given
4. 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.
5. 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 item 10(a)(iii), where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*
6. Public Participation
7. To consider the following new Planning Applications:

[PL/2023/01275](#): 16 Halifax Road, Bowerhill. Installation of new feather fence to side and front of house, 2 no. garden gates and installation of black steel chimney to side of house. Applicant Adam Surmaz **(Comments by 15 June)**

[PL/2023/03437](#): Sandridge Tower. Sandridge Hill, Bromham. Erection of Replacement Outbuilding (Retrospective). Applicant Duncan Priddle **(Comments by 19 June)**

[PL/2023/03858](#): New Road Farm, 240 New Road, Melksham. Conversion of rural building to form single, two bed dwelling. Applicant James Sheate **(Comments by 16 June)**

PL/2023/03797 Modification of Planning Obligation Address: Land at Verbena Court, Melksham, SN12 7GS
Application to modify obligations contained within the S106 agreement relating to marketing land within the Local Centre pursuant to consented outline planning permission 04/01895/OUTES Applicant Name BDW Trading Ltd & JS Bloor (Swindon) **(Comments by 30th June)** <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z00001Abbla> **(Application in Town Boundary)**

8. **Revised Plans:** To comment on any revised plans on planning applications received within the required **timeframe (14 days):**
9. **Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.
10. **Planning Policy**
 - a) **To note dates that the draft Local Plan to be considered by Wiltshire Council**
 - b) **Neighbourhood Planning**
 - i) To note draft minutes of Steering Group Meeting held on 3 May 2023.
 - ii) Update on the Neighbourhood Plan Review and to consider any time critical requests before the next Steering Group meeting.
 - iii) Update on Neighbourhood Plan Site Selection.
 - c) To note feedback from Planning Peer Review meeting held on 23 May 2023 and consider next steps.
11. **S106 Agreements and Developer meetings: (*Standing Item*)**
 - a) **To note response from Kenny Green, Development Management Area Team Leader, Wiltshire Council, regarding requests for Section 106 planning obligations from this Council.**
 - b) **To note update on ongoing and new S106 Agreements**
 - i) **Hunters Wood/The Acorns:**
 - To note any updates on footpath to rear of Melksham Oak School.
 - ii) **Bowood View:**
 - To consider latest correspondence on play area
 - To note latest correspondence with Bowood View residents group
 - iii) **Pathfinder Place:**
 - To note latest update from Wiltshire Councillor Nick Holder/Taylor Wimpey on outstanding issues
 - To consider latest correspondence with Pathfinder Place residents group
 - c) **To note any S106 decisions made under delegated powers**
 - d) **Contact with developers**

Copy to all Councillors



Melksham Neighbourhood Plan

Steering Group Meeting

Date: Wednesday 3 May 2023
Start: 6.30 pm

Present:

Steering Group Members Present

Councillor David Pafford Chair (MWPC)
Councillor John Glover (MWPC)
Councillor Graham Ellis (MTC)
Chris Holden (Melksham Community Area Partnership)
John Hamley (MTUG)
Councillor Mike Sankey (WC)
Shirley McCarthy (Environment)
Mark Blackham (Bowerhill Residents Action Group)

Officers

Teresa Strange (MWPC)
Linda Roberts (MTC)

Task Group Members:

Councillor Mark Harris (MPWC)
Councillor Alan Baines (MWPC)

Planning Consultants:

Vaughan Thompson (Place Studio)

Via Zoom: Lorraine McRandle (MPWC)
Katie Lea (Place Studio) (part of meeting)
James Essery (Place Studio) (part of meeting)

MTC	Melksham Town Council
MWPC	Melksham Without Parish Council
WC	Wiltshire Council
MTUG	Melksham Transport User Group

MINUTES

1. Welcome & Housekeeping

Councillor Pafford welcomed everyone to the meeting and went through the fire evacuation procedures for the building and that the meeting was being recorded and published on YouTube until the minutes were approved.

2. To note apologies

Apologies were received from Councillor Pat Aves, Melksham Town Council.

The meeting was informed due to other commitments, Colin Harrison had resigned from the group.

3. Declarations of Interests & Register of Interests

There were no declarations of interest.

4. Public Participation

There were no members of public present.

5. To approve agenda item 16 to be held in closed session due to confidentiality

Due to the confidential nature of business to be transacted, it was asked if item 16 regarding site selection could be held in closed session.

Resolved: For item 16 to be held in closed session and that members of the Housing Task Group present remain for this part of the meeting.

6. To agree Minutes of Meeting held on 22 February 2023

Resolved: To approve and for the Chair to sign the minutes of the Steering Group meeting held on 22 February 2023.

7. To receive report following the public consultation events and survey in Feb/March

Vaughan provided an update on the consultation which took place online, as well as consultations held on 9, 10 and 11 February, including the stakeholder event on 7 February for town centre businesses.

Vaughan explained the consultation focused mainly on the Town Centre Master Plan report, an evidence base, to provide the Neighbourhood Plan Policy 9 relating to the town centre, an opportunity to be updated and set out priorities for the town centre. It also provided opportunities and inspiration to shape ongoing master-planning work, which would take its own pathway into a set of priorities, projects, and initiatives driven by the Town Council. There was also consultation on Local Green Spaces, Heritage Assets and the Design Code and an update on housing.

Vaughan explained c200 responses had been received to the consultation, which provided a good background in supporting the Town Centre Masterplan and support for the town centre, which validated and ranked several priorities the Town Centre Masterplan had shed light on, as well as looking at opportunities for change and initiatives in the town centre.

As part of the Town Centre Masterplan, people were asked to comment on 3 areas of change for regeneration, which were either available or likely to come forward ie:

- Cluster 1: Campus/Blue Pool.
Cluster 2: Old Library site, including the unoccupied Chinese restaurant recently acquired by Wiltshire Council
Cluster 3: Cooper Tires/Avonside, up to the Station.

The Town Centre Masterplan put forward several opportunities and ideas in shaping these areas, with stakeholders also putting forward their own views/ideas.

The community felt the heritage of the town centre areas were of a high significance and a treasure to be conserved. It was felt the Masterplan should have a policy to assist with buildings of value and in poor condition, as well as an initiative to remove some unsightly buildings. Green spaces and greenery were a highly important aspect, linking to the park and river, which it was felt the Town Centre Masterplan did not emphasise as much.

On the Cluster Sites there was broad support for the masterplan being proactive on all areas, with support for affordable housing on the old library site and exciting ideas, including residential, for the Blue Pool site, as a potential allocation in the Neighbourhood Plan.

There was support for regeneration of sites over the river, including Cooper Tires. However, there was a mixture of opinion on this site, with some people suggesting different housing types, with others saying that there should be no more housing, which would need to be considered.

Vaughan explained AECOM would revise the draft Town Centre Master Plan (TCMP) and insert a narrative on the consultation. It would increase the emphasis on green/blue infrastructure and maintain the 3 cluster areas, with changes to what was proposed on them, in line with what the community wanted to see and also in step with some of the dialogue on the potential allocation sites. It will update and increase the inspirational imagery for the riverside environment and how areas over the river could be regenerated. This will be brought back for final sign off, as an evidence base, for hopefully the next meeting.

Once the report has been brought back to the Steering Group in a revised format it will go back to stakeholder consultees and then community communications via the Neighbourhood Plan website and Melksham News in June.

Shirley enquired if those people who had said no to housing in the town centre, were aware housing would be allocated elsewhere, such as green fields.

Vaughan felt this was a difficult question to answer, however suspected there was an “in principle” concern about housing coming to Melksham in general.

Councillor Pafford noted that whilst people often stated Melksham does not need more housing, this was not backed up by the recent Housing Needs survey, which showed this was not the case.

8. Local Green Spaces (LGS)

The final short list was now drawn up with most of the landowners contacted, with site notices put up where contact had not been established.

Unfortunately, one site, the former golf course at Bowerhill had been left off the short list in error but the landowner had now been written to.

It was confirmed that no new recommendations for LGS had come forward following the recent consultation.

9. Heritage Assets

James from Place explained the final short list had now been drawn-up with consultation underway on these.

During consultation, 4 new nominations had been put forward, however one was not put forward to the short list i.e., the turbine at Bowerhill as the feeling of the group was that this might be potentially moved to a museum, rather than staying at the current site and any designation would harm any future efforts to do this.

The final evidence base was nearly complete, which will need mapping, however access to this was proving difficult, with a solution being sought.

The Parish Clerk stated that during the Housing Task Group reviewing the AECOM Site Assessment report, it was felt there was potentially 2 new heritage assets to consider. One being the chimney and adjacent roofline at Avonside, given its conservation aspect and impact on the skyline. The other was 541 Outmarsh and adjacent site 1031, as it was noted as an update to the AECOM Site Assessment report that it had omitted to refer to the old canal line and railway line and therefore it was felt by the Housing Task Group that this industrial archaeology should be preserved.

Resolved: To send these through to James at Place for inclusion on the Heritage short list.

10. Sustainability/Climate Change:

To note topic paper and draft new policy.

Update provided by Vaughan later in the meeting.

11. Landscape Buffer/Green Gap/Green Wedge evidence base

Katie from Place explained a Green Gap/Wedge report had been undertaken by AECOM and reviewed by members of the Steering Group. A meeting had been held with representatives of Semington Parish Council and Neighbourhood Plan Steering Group, who were also doing work around landscape sensitivities in Semington, with some collaborative working taking place.

A Green Wedge policy had been suggested by AECOM, with the supporting text being amended to make it shorter and more succinct and make specific reference to the green wedge between Semington and Berryfield, which in the report is not recommended to go forward because one of the edges is set against the parish boundary, which is the Neighbourhood Plan boundary. Supporting text has been added to explain the boundary is a very strong landscape boundary which aligns the methodology in the report, which states landscape features can form boundaries and the canal is the parish boundary to the South. Therefore, this green wedge will be included with the others recommended in the report. Reference will be made to cross boundary working with Semington, to support this green wedge, however, the Examiner may take a different view on this, however, it was felt worth putting forward for consideration.

12. Town Centre Master Plan (TCMP)

The Town Clerk explained it was understood that technical support had been secured to undertake a car park survey but had recently been informed that this was not the case and therefore no work had been undertaken on this.

The Parish Clerk confirmed there was no sight of technical support or grant funding from the Government for Neighbourhood Plans at present. The Locality website detailed the Government's commitment to it continuing but applications were not permitted at present, and there were no scheme details.

Vaughan explained the Town Centre Master Plan report had highlighted the significance of car park management and the location of car parks, as part of the vitality of the town centre. Stakeholder and community engagement had also highlighted this as an important priority.

Members expressed that they felt a car parking study was important to inform decisions on site allocations in the town. Vaughan concurred as one of the sites that may be allocated is the former Library site which includes a car park and it would be important to understand its current use now the Library has relocated to set criteria for any potential development on the car park site, to ensure there will not be demonstrable harm to the town centre.

The TCMP itself can agree that car parking is a critical part of the vitality of the town centre and needs a car parking study. Consideration will need to be given how this will be financed if there is no Government funding/Technical Support as there are other consultants, other than AECOM who could do this work.

It was queried if Wiltshire Council had data/modelling on car parking usage which could be used.

Vaughan explained that whilst Wiltshire Council may have this information, any car parking study would start with a desk top study before undertaking additional surveying. In addition, it was the analysis of the

It was noted there is other free parking in the town, which would also form part of a car park study, not just Wiltshire Council car parks.

Resolved: To enquire with Wiltshire Council if car park data was available, which could be used as part of a car parking study.

13. Design Code/Guide

Vaughan updated the meeting on the relatively low feedback from the consultation on the Design Codes/Guide. One comment received stated the guide lacked clarity of guidance on how future development should be and that it was more of a commentary of what existing development was like. There had also been several comments stating Melksham did not need more housing with concerns about the lack of infrastructure

Vaughan explained Wiltshire Council would be allocating some housing in the Local Plan. There would be an opportunity for the town and parish council, with the input of the Neighbourhood Plan Steering Group to make representation, at Regulation 19, about the requirement for necessary infrastructure to accompany any growth in housing numbers of a strategic nature. It was likely any strategic site allocated would be of a size to support a strategic level of infrastructure on the site itself and would make infrastructure contributions in connecting them into the town.

Vaughan explained the Design Code was not about an infrastructure delivery plan but about high quality design.

Councillor Glover stated the Government had stated there should be no gas boilers installed from a certain date, however, most houses had gas. There were plans to try and produce hydrogen, and whilst it cannot be done in a 'green way' at present, this may not be the case in the future. He felt it was short sighted to remove the potential for gas and should keep/install piping to enable this in the future. Therefore, he queried if there should be a requirement for piping etc be installed in new developments, rather than retrofit in the future at a cost to the householder.

The Parish Clerk explained Wiltshire Council now had a Climate consultant who commented on planning applications and even with proposals for ground source heat pumps etc on a recent planning application had felt the applicant had not gone far enough. The Steering Group welcomed this direction of travel and change of focus by Wiltshire Council.

Councillor Pafford stated the language used in the Neighbourhood Plan should be in step with Wiltshire Council i.e., in encouraging this type of development, rather than enforcing it. It was noted proposed changes to the National Planning Policy Framework (NPPF) may give more clarity on this.

Vaughan explained the Design Guide and Code was not just for large scale development but to inform small scale proposals as well. Where there are small scale proposals adjacent to or within the existing settlements, including the villages, the. The policy will say that development has to reflect and demonstrate local character. Therefore, the Design Guide commentary is on the local character in order to draw upon and be able to assess proposals against it. However, with larger scale development there is scope for master planning principles that can be enshrined in policies themselves, and therefore would still look for development that respected local character but would be more direct about types of homes, points of access, landscapes to be preserved and what site-specific qualities the community would like to see.

Rules were required to govern large scale development and this was where design guidance came in, to be able to influence local distinctiveness and weave these into large scale proposals.

- **To consider request from Melksham Without Parish Council for their revised list of requests for new developments to be included in the Design Guide**

The Parish Clerk explained the Parish Council had a list of requests they asked developers for at pre app stage, which had been shared with the Town Council, and asked if the Steering Group were happy this was included as part of the Design Guide.

The Parish Clerk noted the comments made earlier regarding the provision for hydrogen and future proofing for ground source heat pumps which would be added to the list for Melksham Without Parish Council to consider at a future meeting.

Councillor Glover informed the meeting that the Parish Council had recently learnt the play area specification for new developments in West Wiltshire was lower than elsewhere in Wiltshire, as the policy related to a saved West Wiltshire District Plan and asked if a minimum size for Local Equipped Area of Play (LEAP) could be specified.

The Parish Clerk clarified the 'calculator' for working out the level of play area provision in a new development, noting, hopefully this situation would be resolved when the Local Plan was updated.

Resolved: The list of requests to developers at pre app stage is included within the Design Guide.

- **To note new Wiltshire Council guide to Design Codes for Neighbourhood Plans**

Noted.

- **To note plans for a Wiltshire Council's County Wide Design Code to follow later in the year**

Noted.

14. Plan Drafting

Vaughan went through the various suggested revised objectives, policies and priority statements, as well as the suggested wording for new policies, which would be approved at final sign off, noting there was still an opportunity to amend these prior to sign off, if the Steering Group wished.

Vaughan suggested the relevant working groups could review and suggest amendments in the first instance, prior to being submitted to the Steering Group for comment and validating. However, there would be an opportunity after Regulation 14 consultation to refine these if necessary, following feedback.

Resolved:

1. To note the report.
2. For all steering group members and relevant task group members to review the revised objectives, policies and priority statements and forward amendments over the following weeks, to enable a revised draft to be produced for the next Steering Group meeting for sign off.

15. Programme Update

- a) To review current variables that could influence the current programme:**

- i) End of current NPPF Paragraph 14 protection in July**

Vaughan went through the various drivers for the review, which were influencing the programme, such as the refreshment and extension of Paragraph 14 (NPPF) in order to protect the Melksham Neighbourhood Plan area against speculative development. In order

to achieve this the NP#2 would be allocating land in Melksham to make a meaningful contribution towards the likely housing target for Melksham. Currently looking at allocating 200 homes in the Plan, with a current target of 90 in Shaw in Whitley.

Timetable:

- Look at completing evidence base, including draft allocation of sites to be agreed.
- Landowner engagement, relating to the draft proposed allocations and to help inform the decision the Steering group and two councils will validate, on what the landowner commitments are.
- Community communication in updating people where the Neighbourhood plan is and giving early warning of upcoming Regulation 14 consultation.
- Revising policies, objectives and priority statements.
- Working to turn NHP#1 to NHP#2, up to publication quality to Regulation 14.
- Consultation to commence in July.
- Need for completion of the SEA (Strategic Environmental Assessment by AECOM which whilst well advanced cannot be completed until the housing allocation is decided. Wiltshire Council will also need to make a resolution on whether the Neighbourhood Plan requires a Habitable Regulation Assessment once the housing allocation/sites have been agreed.

Vaughan explained Regulation 14 consultation would take place between July and September. Whilst consultation would usually be 6 weeks, as this period covered the school summer holidays suggested an extended period of consultation until September. Between now and Regulation 14 there would be communications with the community, which would not be consultation, but updating people on what the Neighbourhood Plan is up to and what is happening. Therefore, people will be able to have their say on the allocation of sites etc.

By Christmas it was hoped to submit the plan to Wiltshire Council, in order to undertake Regulation 16 consultation and prepare for Examination and then Referendum and hopefully plan made following a yes vote.

Vaughan went through the various uncertainties and opportunities:

- It had been hoped NHP#2 would have been completed before Paragraph 14 protection ran out in July, therefore this did create some risk of speculative development.
- Revisions to the National Planning Policy Framework (NPPF). The changes proposed extended the protection period of paragraph 14 from 2 years to 5 years.

Unfortunately, these revisions will not be announced by the Government in the short term. It was understood there had been a significant amount of feedback to the consultation and therefore the revisions would not be coming out on schedule which was disappointing.

Vaughan explained as soon as the NPPF changes were implemented, this would change the planning consent landscape. Therefore, if these changes come in late, after July, given planning applications took a while to consider, weight is given to what the NPPF says when a decision is made on a particular planning application, not when it is submitted bearing in mind decisions were still outstanding on several large planning applications.

Councillor Sankey left the meeting at 20.03pm.

With regard to Wiltshire Council's Local Plan, this was due to go to Cabinet in 2023 for approval, prior to consultation in the Autumn, with adoption in Quarter 4 2024. This will set out a strategic strategy for the Neighbourhood Plan area. As the Local Plan moves forward, it will help clarify strategic policy for the Neighbourhood Plan review and help being more robust about directing development of a strategic nature through an emerging plan.

Cooper Tires

Vaughan explained at present only part of the site had been put forward for potential allocation in the plan. However, the site would be closing and potentially proposals coming forward during the life of the Neighbourhood Plan and Local Plan. Whilst it had come forward too late for consideration in the Local Plan, there was an opportunity to allocate Cooper Tires in the Neighbourhood Plan, if it was available. Therefore, there is an opportunity to speak to Cooper Tires, to ascertain if this is possible and contact was being made with them to arrange a meeting.

Vaughan explained if any of these things happened it would mean substantial implications for the draft review of the Neighbourhood Plan, and therefore recommended the Steering Group reconvene to discuss how best to respond to these matters as they arise.

Vaughan explained as the Plan progressed, more weight would be added to the Neighbourhood Plan, which was why it was suggested and agreed to bring various bits of evidence into play now.

b) To note current progress against Programme and agree timescale for Regulation 14 consultation

Vaughan gave an update on progress against the programme and explained it was previously hoped the Steering Group would get to Regulation 14 by now but unfortunately it had not met the target, being 2 months behind.

Whilst the Steering Group and Working Groups had worked hard to progress the plan, the main reason for the delay was due to AECOM's very thorough Housing Site Assessment Report being received 2 months later than expected. The Housing Group had worked hard to catch-up with a review of the document.

Resolved: To continue progressing the review, to enable Regulation 14 consultation to take place in July. With a 'back stop' position, if the Local Plan or National Planning Policy Framework revisions are implemented in the meantime or the Local Plan Review is published, the Neighbourhood Plan take a pause in order to bring back to the Steering Group in order to review the programme.

**c) To agree date and venue of Next Meeting of Steering Group
Suggested date Weds 7th June**

It was noted to go out to Regulation 14 in July, the Steering Group and then both councils, as qualifying bodies, needed to approve the draft NP#2, at their June meetings.

Resolved: For the next Steering Group meeting to be held on Wednesday, 7 June.

Councillor Pafford reminded those present of the confidentiality of the information to be discussed.

16.C Site Selection

- **To receive update on current sites/housing task group work and meeting with Officers/Place with AECOM Tues 2nd May**

In Closed Session

Chris Holden left the meeting at 9.27pm.

17. Finance:

- a. **To approve future spend, quotation for additional work by Place/AECOM if appropriate, latest invoices and note current financial report (to year end 31/3/23).**

To approve the following invoices:

Place:	£5,573.12
£4,659.27 net (£4,537.50 from the Grant, £121.77 for the councils to pay) plus £913.85 VAT to be reclaimed	
Wiltshire Council (Campus room hire for consultation):	£ 313.66
£261.38 net plus £52.28 VAT to be reclaimed	

The MWPC Clerk added that since the Steering Group last met in February, and looked at the spreadsheet of spend for the financial year ending 31st March 2023 that the only additional spend was the two invoices just approved, plus £48.75 for the additional Green Gaps consultation boards.

This gave a total spend of £29,034.60 for the year 2022/23 (of which £10,000 came from the Locality grant) with £19,034 split between both the Town and Parish Council at a 70/30 split.

Resolved: To approve invoices of £5,573.12 and £313.66 for Place and Wiltshire Council respectively.

- b. **To note no visibility of future Locality funding or Technical Support for 2023/24**

Members noted there was currently no visibility of any further Government grant funding or technical support for 2023/24. Therefore, any future spend would be coming from both councils.

The Parish Clerk explained there was still an element of work to be done under Place's original approved quote, in order to get the Plan to Regulation 14 consultation. As some of the work done to date had not been straight forward the Clerk made the Steering Group aware there may be an additional invoice for this work, over and above the quote approved, which will be paid for by both councils.

It was noted both Council's had approximately £2,000 each, in their respective budgets for the 2023/24 financial year for Neighbourhood Plan costs.

18. To approve the revised Terms of Reference as approved by both qualifying bodies

It was agreed to defer this item to a future meeting.

19. To note resignation of Colin Harrison, Business representative, from Steering Group and agree next steps

Members noted Colin Harrison had resigned.

Councillor Pafford explained he had spoken to both Clerks and felt, given it was late in the day, as far as the Neighbourhood Plan review was concern and it would be difficult to get a new member up to speed, felt it best to defer seeking a replacement for Colin for now, unless there was a delay to the Plan for the various reasons discussed earlier in the meeting.

Resolved: Not to seek an additional representative at this time, but seek additional representatives, if there were a delay in progressing the review.

To write a letter of thanks to Colin Harrison for his input to the plan over the years.

20. To note comments submitted to the Government's current NPPF (National Planning Policy Framework) consultation by Steering Group & Wiltshire Council

Noted.

The meeting closed at 9.30pm

Signed.....
Chair, 7 June 2023

Lorraine McRandle

From: Green, Kenny <Kenny.Green@wiltshire.gov.uk>
Sent: 23 May 2023 07:10
To: Teresa Strange; O'Donoghue, Ruaridh; Sims, Steven; Guest, Karen
Cc: Seed, Jonathon; Holder, Nick; Lorraine McRandle
Subject: RE: Requests for s106 planning obligations from Melksham Without Parish Council

Good morning Teresa

Thank you for your email.

I have copied in the two case officers for the two live cases cited below.

Steve Sims was of course present at the recent WAPC meeting when you verbally brought this matter for a different site to committee member's attention (and my own), and whilst not wishing to prejudge the respective case officer's recommendations, I would expect them to take on board the parish council's 'interest' in taking on the play area space should the application(s) be supported.

Ruaridh/Steve - Should that be the case, the respective report(s) would need to have a dedicated play space bullet point covering the s106 heads of terms and you should be raising the matter as an option set out below with the developers prior to any committee exposure or legal instruction. It cannot and should not be left to the s106 preparation stage.

Best wishes,
Kenny

Kenny Green (BA, MA (Hons) MRTPI)
Development Management Area Team Leader Central Team
Place Directorate
Tel: 01225 770251
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Email: kenny.green@wiltshire.gov.uk
2017 Achieving Excellence Winner

Certified Carbon Literate



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

Sent: Monday, May 22, 2023 3:26 PM

To: Green, Kenny <Kenny.Green@wiltshire.gov.uk>

Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Holder, Nick <Nick.Holder@wiltshire.gov.uk>; Lorraine McRandle <office@melkshamwithout-pc.gov.uk>

Subject: Requests for s106 planning obligations from Melksham Without Parish Council

Dear Kenny

Following on from this useful response to the parish council's queries on having any requests for planning obligations to be included in a s106, or their interest in taking on assets such as play areas; I thought it useful to highlight two current planning applications, that are pending outline decisions, where such requests have been made.

In both cases, the parish council objects to the applications, for a variety of reasons, but have put in requests in case Wiltshire Council are minded to approve. Below, I list the applications, with a link to the parish council's comments. If there is a way that these can be highlighted in the way you suggest below, we would be grateful.

Kind regards, Teresa

PL/2023/01949

Site Address

Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS

Proposal

Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed-use hub (class E / class F); open space; provision of access infrastructure from Sandridge Common (A3102); and provision of all associated infrastructure necessary to facilitate development of the site (access only).

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001PBI8WAAT/melksham-without-parish-councils-comment>

PL/2022/08155

Site Address

Land to the West of Semington Road, Melksham, Wilts

Proposal

Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001JZk5BAAT/melksham-without-parish-councils-comment>

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001JZyvwAAD/melksham-without-parish-councils-comment?tabset-ae70b=2>

<https://development.wiltshire.gov.uk/pr/s/web-comment/a073z00001P8oPRAAZ/melksham-without-parish-councils-comment?tabset-ae70b=2>

Teresa Strange

Clerk & Responsible Financial Officer

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From: Green, Kenny <Kenny.Green@wiltshire.gov.uk>
Sent: 11 May 2023 11:45
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Richard Wood <richard.wood@melkshamwithout-pc.gov.uk>
Subject: RE: s106 for 144 houses at Semington Road discussed yesterday

Dear Teresa

Thank you for your email and for sharing various documents.

It is very disappointing that the s106 was not opened out to the parish council to be party to the legal agreement. It was not a case that I had any prior involvement with as the former head of service led on matters at SPC and liaised with the case officer throughout.

My suggestion on this topic to all concerned (including officers to take note and action), would be that when reports are being advanced for applications that require a s106, we should include a dedicated section under the title of say 'developer contributions and obligations' and for all cases whereby a parish or town council has made it known that they may be keen to take on the management and liabilities for a play area or open space, that should form part of a bespoke bullet point with the report – to define matters for any debate at committee or when an instruction is sent to the Council's legal team, so that the legal parties know who else to engage with as the legal agreement develops.

I followed that process for my urban extension development and multiple applications. Parishes/Town Council can always ultimately decide to pull out before a s106 is sealed, but where there is a willingness to take on new play facilities locally and not rely on a developer's management company, the report needs to have a section setting out such an option.

That would identify what is otherwise known as heads of terms to inform the preparation of the s106 and is best practice, although I do accept, it is not followed by everyone.

With best wishes,
Kenny

Kenny Green (BA, MA (Hons) MRTPI)
Development Management Area Team Leader Central Team
Place Directorate
Tel: 01225 770251
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Email: kenny.green@wiltshire.gov.uk
2017 Achieving Excellence Winner



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From: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Sent: 11 May 2023 10:17
To: Green, Kenny <Kenny.Green@wiltshire.gov.uk>
Cc: Seed, Jonathon <Jonathon.Seed@wiltshire.gov.uk>; Richard Wood <richard.wood@melkshamwithout-pc.gov.uk>
Subject: s106 for 144 houses at Semington Road discussed yesterday

Hi Kenny

Firstly thank you for your time yesterday at the Western Area Planning Committee, the parish council are grateful that the concerns that they have been consistently raising for the life of this proposed development have been addressed.

I write further to your comments that it would be helpful if parish councils could let Wiltshire Council know if they are interested in taking on aspects of managing the development. The parish council were disappointed that despite raising at pre-application stage with both the applicants at outline and reserved matters stage, and raising with Wiltshire Council, that no discussions were held with the parish council at all. The first sight of the s106 agreement was when it was already signed and published online.

I have attached the parish council's submitted comments to the application and highlighted in each case where we have asked about adopting the play area. The parish council maintain all the play areas in their parish, whether owned by themselves, adopted from new developments or leased from Wiltshire Council. There is obviously a cost implication to this, but they believe it provides a consistent service and quality to their residents, and a one stop shop in the parish for all play areas, the one at the David Wilson development will be the exception to this.

We attended a meeting at the end of last year with Cllr Nick Botterill and Nic Thomas, with our Wiltshire Councillors, to raise the general issue of how parish councils can engage with the planning department on what is included in

s106 agreements, and any advice or help that you can offer would be useful as you can see that us raising it at pre-app and through the planning comments to the application has not worked on this occasion.

Thanks again for your help yesterday,
With kind regards,
Teresa

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Teresa Strange

From: Teresa Strange
Sent: 22 May 2023 15:09
To: Jason Carnihan; toby.j.mitchell@live.com
Cc: Cllr Shona Holt (shona.holt@melkshamwithout-pc.gov.uk); Councillor Richard Wood (richard.wood@melkshamwithout-pc.gov.uk); Keith Phillips
Subject: RE: Request for play area surfacing to be allowed on our land in future years
Attachments: WBCT Bowood-Melksham Signs_840x594_Sept22.pdf; Bowood View Interpretation 2.docx

Importance: High

Hi Jason and Toby (copy to Keith)

I am sorry that I have not got some notes to you before now, my apologies.

As you are aware, no one from Melksham Without Parish Council is able to attend your residents meeting tonight, as it's our Annual Council meeting at 7pm.

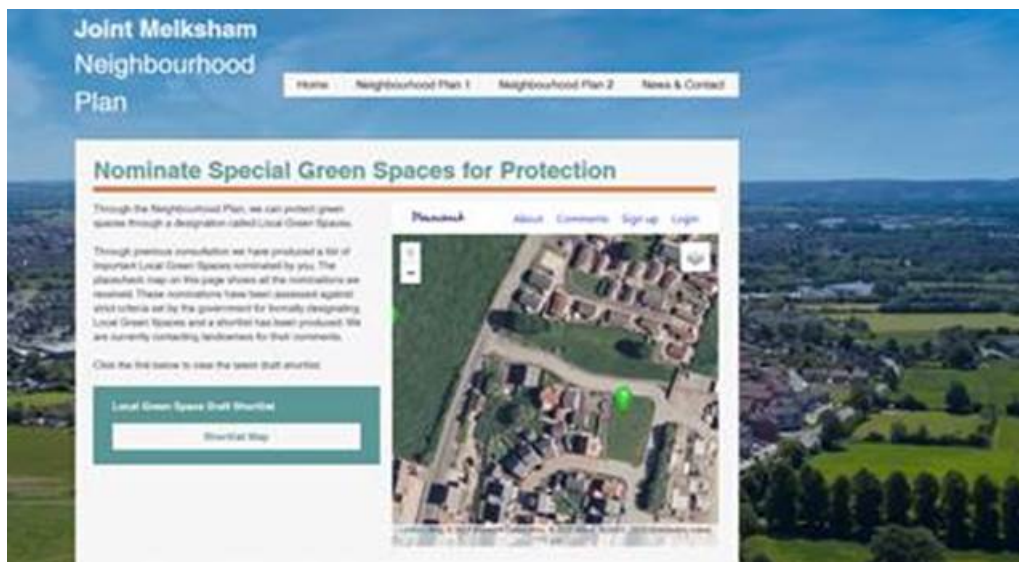
So, just thought it was worth confirming a couple of things that might be useful.

1. The play area is now open. Bellway did offer to replace the hoggin path with tarmac as a goodwill gesture, but had not done to date, as said that they would only do once the parish council legally owned it. We have been in that situation since the end of April and they then said that it would be at least 12-16 weeks, and to be honest the parish council were still not convinced. We found 3 different contractors that could do it the following week. So the parish council did that at their cost. When the hoggin was dug up it was discovered there was only a sprinkling of Type 1 sub base, and the path had basically been laid on wet clay. We have since laid a proper sub base, so it meets the correct standards and finished the edges properly as they were wooden, and now has concrete kerbs. In addition some safety surfacing has been installed under the teen shelter, as this was identified by ROSPA (Royal Society for Prevention of Accidents) as an "8" amber, medium risk. Bellway refused to implement this. So far, that's just over £11k spent. Whilst on site, and the path edges being done, we were able to see under the safety surfacing, and the contractors didn't like what they saw. The parish council are looking at that tonight. When the parish council replace the surfacing, which may be now, or in years to come, the question to you was whether you would be happy if the surfacing went past the fence, to technically it was on "your" land – the last email I sent to you. Which you were both happy with.

The parish council now own the play area, and will maintain it. They will cut the grass and empty the bins INSIDE the play area. The bins will be emptied fortnightly, and weekly in any period of school holidays. I will be contacting Alex Faulkner about the 3 dead trees in the play area, as Bellway are not interested.

2. As part of the Neighbourhood Plan process one of the green spaces in the development has made it through to the short list to be designated a Local Green Space. There will be a formal consultation of the Neighbourhood Plan (currently planned for July) and that will include the shortlist of sites, so residents will be able to comment then. You can see more here, but I have screenshot the site for ease:

<https://www.melkshamneighbourhoodplan.org/local-green-spaces>



3. We have the necessary agreement from the planning department at Wiltshire Council for a patio/terrace outside the patio doors to the village hall – facing the picnic benches and green space etc. We need to get a specification up together and then go out for quotes to do that work, and perhaps put a gap in the planting to create easy access between the green space and the patio. This was something that we wrote to all the residents about.
4. With regards to the 144 houses at the adjoining site, that received its Reserved Matters (the detailed layout etc) planning permission a couple of weeks ago. David Wilson have offered the parish council £20k to put in a footbridge. Wiltshire Council own the brook, and are happy for it to happen in principle, as are David Wilson the other side of the brook. As you know, we wrote to all the residents at Bowood View, and 2/3 raised concerns, but the parish council took that as the 145+ dwellings who did not respond didn't have a problem with it. We had a few responses thinking it was a good idea too.

This is the condition added to their planning permission: “Notwithstanding the submitted detail, the developer shall use all best endeavours to support Melksham Without Parish Council (or other parties) in the delivery of a future footbridge crossing over the brook to the north of the application site to link the development site with the ‘Village Hall’. This informative is based on the commitment expressed by the applicant to enter into a separate agreement with Melksham Without Parish Council if required to bring about the enhanced pedestrian connections, most of which extend beyond the site parameters.”

Here is the planning application details for any that want to have a look:
<https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z0000183Go5AAE/pl202202749>

5. The village hall has a charitable trust in place, with a lease for 125 years on a peppercorn rent. The parish council transferred it to the Trust at the end of Feb. You can see all the details for the hall here, and how to book, and see on the online calendar how popular it is. <https://hallbookingonline.com/berryfield/>
 The PV battery was commissioned a couple of weeks ago, and that is the last item outstanding for the build. There will be a defects meeting in early September at the end of the first year.

6. There are noticeboards that have appeared that AF have the keys for apparently; which you have let me know are for info about the historic line of the Wilts & Berks Canal Trust. We knew that this was in the original planning application, but removed at the Reserved Matters detailed stage. So, no one ever informed us they were coming; and the Wilts & Berks Canal Trust have produced their own, and waiting for confirmation that they are ok to install along the historic line. They aren't going to fit in the ones AF have provided. We also have a parish council noticeboard already on the side of the village hall and the village hall have their own too in the entrance. The canal ones suite it with others along the length of the old canal in other towns in Wiltshire, and are 2ft x 3ft mounted on wooden posts. I have attached a map they have marked with the locations that they think they should go and a copy of the map etc (I think they are still up in the "small bit" of the village hall. So, we are looking for permission to install the signs made by the Wilts & Berks Canal Trust, and don't know what you want to do with the ones that AF installed?

I think that is all for now, I am in the office before the meeting tonight if you have any questions, please call my mobile 0744 3220329 rather than the office number as it will go straight to answer phone at that time.

Have a good meeting,
With kind regards, Teresa

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From: Jason Carnihan <Jmcarny@outlook.com>
Sent: 10 March 2023 18:24
To: Teresa Strange <clerk@melkshamwithout-pc.gov.uk>
Cc: toby.j.mitchell@live.com
Subject: Re: Request for play area surfacing to be allowed on our land in future years

Teresa,

Happy to meet up but we're are planning to arrange another resident association meeting, well Kieth is going to arrange it. I assume you will be asked to attend as there maybe some park questions. We could catch up then if you like.

Jase.

On 10 Mar 2023, at 09:40, Teresa Strange <clerk@melkshamwithout-pc.gov.uk> wrote:

Hi both

Sorry to raise expectations...

We have been unable to convince Bellway that this is what they should have done in the first place, it was agreed at a meeting some years ago with the play company and Bellway at the time.

So, we are just making sure that the legal land transfer of the play area means that we can do it in the future, when we come to replace the safety surfacing at the end of its natural life, or if a repair is undertaken for example, so not an immediate thing.

When we have asked for the provision for this in the land transfer documentation, they have taken so long to get to this point, they have said its not their land.

I will pass your comments on to our solicitors and see how she can move it forward.

There will be no costs to the management company, I am hoping that we can get something in the legal agreement now (not sure? For our solicitors) so there are no legal fees in years to come.

For example, there was to be a hedge to mark the edge of the village hall land (MWPC) and the public open space as part of the planting plans and we asked Bellway to not put the hedge where the proposed terrace/patio will be, they then said that they would not plant any hedge at all along the whole boundary as we were being difficult, and then I see that they have planted up a border and a hedge! We are seeking quotes now for the patio, and we can talk to you on perhaps as part of that work moving the planting and hedge to the edge of the terrace? We still think a gap in the hedge would work well for members of the public to access the green space from the patio/hall – for example the planned easter egg hunt in April.

There are a few bits and pieces, and I wonder if it made sense for us to meet and catch up on them? I am happy to come over to Bowood View?

We also have a request for some historic canal interpretation signs that the Wilts & Berks Canal Trust have had made, again, we asked permission to erect them of Bellway some years ago, and never had an answer, so guess that this now falls to you? I can send separate details of these.

Kind regards, Teresa

From: Jason Carnihan <Jmcarny@outlook.com>

Sent: 09 March 2023 20:06

To: toby.j.mitchell@live.com

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

Subject: Re: Request for play area surfacing to be allowed on our land in future years

Hello Teresa,

I am in complete agreement with Toby, the proposed widening does look much better and should make it easier to maintain. Do you have an idea of when you plan to complete the work?

Jason.

On 9 Mar 2023, at 19:21, toby.j.mitchell@live.com wrote:

Good evening Teresa,

Thank you for your email.

It doesn't surprise me to find out Bellway cut yet another corner with the play area on Bowood View, this has been the real sticking point of the development.

I don't have any queries with the safety surfacing being widened, to me it makes sense both from a safety and a practical viewpoint. Additionally, it looks much tidier.

The only things to note from me are:

I do not want the residents to be charged for this work as it is not something we/they should be penalised for.

There are lots of plants around the perimeter of the park which are the property of the management company. These are not to be removed. If they can be relocated to surround the new perimeter, this would be acceptable.

Once Jason has had an input, as directors we can advise Alexander Faulkner Partnership what work will be carried out by the Parish council.

Thank you for the information and I'm sure we'll be back in touch soon.

Regards,

Toby.

On 9 Mar 2023 18:50, Teresa Strange <clerk@melkshamwithout-pc.gov.uk> wrote:

Dear Bowood View (Melksham) Management Company Ltd

As you are aware, the parish council's solicitors are in negotiations with Bellway's solicitors for the legal land transfer of the play area and we are keen to ensure that we can maintain and upgrade it properly in the future, as we will have in parish council ownership for perpetuity.

One of the things we requested, and Bellway agreed but didn't do, was to have the safety surfacing margin wider than the fence line. It just means that the grass can be cut easily and weeds don't grow in the fence line which attracts litter and vermin too. Either the grass doesn't get cut or the trimmers get too close to the fence and damage it.

In years to come we will need to replace the safety surfacing and we would like to be able to have the opportunity to do this wider margin. Bellway have said that we now have to ask the management company as its not their land outside the fence, hence my email to you now; although to be honest I don't know if they mean you or Alexander Faulkner?

Comparison photos attached of the Whitworth play area – this is at Bowood View; and the Davey play area at the Pathfinder Place development at Bowerhill that was installed at the same time as you.

For your information we still don't have a practical completion certificate from Wiltshire Council for this play area being in an adoptable state.

Look forward to hearing from you.

Kind regards, Teresa

Teresa Strange

Clerk & Responsible Financial Officer

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