

**MINUTES of the Planning Committee of Melksham Without Parish Council held on  
Monday 17 August 2020 at 7.00pm**

**(DUE TO THE ON-GOING COVID 19 PUBLIC HEALTH CRISIS THIS WAS A  
VIRTUAL MEETING, WITH MEMBERS OF THE PUBLIC BEING ABLE TO ACCESS  
THE MEETING VIA THE PUBLISHED ZOOM INVITATION, THIS MEETING WAS  
ALSO LIVE STREAMED VIA YOUTUBE)**

**Present:** Councillors Richard Wood (Council & Committee Chair), Alan Baines,  
(Committee Vice-Chair), Terry Chivers, Greg Coombes (from 7.15pm), Mary Pile and  
David Pafford

**Also in Attendance:** Wiltshire Councillor Phil Alford  
Tom Griffiths, Ashford Homes

**Members of Public Present:** 7 Members of public present

**Officers:** Teresa Strange (Clerk) and Lorraine McRandle (Parish Officer)

**36/20 Welcome, Announcements & Housekeeping**

Councillor Wood welcomed everyone to the meeting and reminded those present that until they indicated or were invited to speak they would be kept on mute (to restrict background noise) and to remember the meeting was being live streamed on YouTube.

**37/20 To receive Apologies and approval of reasons given**

Apologies for absence were received from Councillor Glover who was on holiday.

**Resolved:** Members noted and approved the reasons for absence.

**38/20 Declarations of Interest**

**a) To receive Declarations of Interest**

There were no declarations of interest.

**b) To consider for approval any Dispensation Requests received by the  
Clerk and not previously considered**

None.

**c) To note standing Dispensations relating to planning applications**

The Clerk reminded those present the Parish Council had a standing dispensation relating to the Berryfield Village Hall planning application, which would be discussed later in the meeting regarding public art.

**39/20 Invited Guests – Representative from Ashford Homes Re proposals for 9 dwellings on First Lane, Whitley**

Tom Griffiths, Development Director, Ashford Homes attended the meeting and provided a bit of background on Ashford Homes.

Regarding the planning application, Tom explained this was an outline application, seeking permission in principle for 9 dwellings with all aspects such as layout, appearance, landscaping and massing reserved except for access, which is to be considered in detail as part of the outline application.

Access will be via the existing farm entrance off First Lane to minimize the impact on the existing hedgerow which will be retained and provides screening from First Lane and has ecological value. The access will be to Wiltshire Council's adoptable standard, with parking provided on plot to Wiltshire Council's parking standards with one visitor space. Tom pointed as the access went through the site it would narrow to reduce the impact of hard landscaping in the development given the rural location.

Tom shared the indicative layout plan of the site which showed a mix of 2 and 3 bed dwellings, orientated to minimize overlooking. Screening would be provided on the North of site from the existing hedgerow with proposals for additional screening adjacent to 78 Corsham Road. To the Southern boundary it was proposed to have soft landscaping with native hedge planting providing ecological betterment.

Regarding the piece of undeveloped land, adjacent to Corsham Road, Tom explained this was in the ownership of Ashford Homes and formed part of the flood area and could act as additional ecological works for the site and would remain undeveloped.

Tom explained the site had been in the ownership of Ashford Homes for 4/5 years and in that time discussions had taken place with various experts, including drainage experts on proposals for the site.

The Chair invited Members to ask questions at this point.

Councillor Pile asked regarding the possibility of a car park for the school on the undeveloped area, what progress had been made with discussions with the school and if anyone had come forward from school or elsewhere to build or maintain car park.

Tom explained that historically discussion had taken place with the school, but these had not progressed and explained the land was being gifted for free as part of planning gain to the community and would be subject to a separate planning application if anyone wished to develop it into a car park for instance. It was up to the local community to inform Ashford Homes what they wanted, however, if nothing happened, the land would be managed as part of the additional land that is retained within Ashford Homes ownership.

Councillor Chivers sought clarification on proposals for the undeveloped parcel of land.

Tom clarified that Ashford Homes were happy to gift the land to the community to do with as they wished, but Ashford Homes were not in a position, to build or maintain a car park on this site.

Councillor Baines suggested the community could consider the undeveloped piece of land as a potential site for a mobile shop or Post Office, as it was much more central to both the communities of Shaw and Whitley and in the vicinity of a previous Post Office.

The Chair sought clarification on the Walnut tree on the site, given comments from the Wiltshire Council Tree Officer and what impact this would have to proposals for the site.

Tom confirmed that Wiltshire Council's Tree Officer had commented on the application, however, the layout was only illustrative as only at outline stage at present and at Reserved Matters, the layout would be addressed.

Councillor Coombes joined the meeting at 7.15pm.

Councillor Coombes stated that Wiltshire Council had undertaken various flood remedial works in the vicinity of this site and asked if Ashford Homes would provide more trenches, if they had to, in order to cut down the risk of flooding.

Tom explained that extensive studies had been undertaken by their drainage expert over the last 3 to 4 years and any planning consent would have a drainage condition attached for a requirement for no additional run off and more than likely a reduction in the green field run off that the site currently experiences and confirmed that the application could not make the situation worse and that would be a condition of the planning consent.

## 40/20 Public Participation

Several residents of Whitley were in attendance to object to proposals by Ashford Homes to create 9 dwellings on First Lane, Whitley.

The Chair of Community Action Whitley & Shaw (CAWS) stated they had collected the views on the proposals through members of its committee attending local meetings of the First Lane Action Group (FLAG) and from residents.

CAWs expressed concern that many local residents did not have access to IT and therefore were unable to formally comment on the plans and asked that their comments were given due weight as this might be the only way that many in the village got to express their views.

It was stated that the overriding view of residents was to object to this application and raised the following:

- The need to protect the local heritage of Whitley, particularly the various listed properties within the area.
- The impact on the greenfield landscape.
- The impact on natural habitats and biodiversity, particularly around the ditch located on the site, as well as the brook.
- Concern land adjacent to this site, in the ownership of Ashford Homes could also be developed in the future if this application were to be approved.
- Parts of Whitley have experienced severe flooding in recent years, including First Lane and a concern was expressed if this development were to go ahead flooding could be exacerbated.
- The lack of confidence in the mitigation measures proposed for the scheme and the accuracy and conclusions of the Flooding Report submitted with the application.
- The need to protect the settlement boundary. If this application were to go ahead the boundary between Shaw and Whitley would be further eroded.
- Melksham has met its housing allocation within the current Core Strategy up to 2026, questioning the need for additional housing.
- Lack of infrastructure to support the needs of an extra 9 dwellings in the village.

- Impact 9 dwellings would have on highway safety with additional traffic within the village.
- Proposals for 9 dwellings falls under the threshold for providing affordable housing.
- Many in the village noted that this site was not included in the draft Neighbourhood Plan and therefore this application should be refused on this basis.
- The offer of land for a potential car park for Shaw School and the impact this could have on the safety of children and potential to exacerbate traffic congestion during school drop off and pick up.
- Concern a potential car park would be developed and maintained, given it is in a flood risk area.

A resident of Whitley and also a Member of Whitley Hub Group explained the group were concerned at proposals for the First Lane site and also expressed a concern that those without IT provision would be unable to comment on the plans and made the following comments/observations:

- The impact this application would have on flooding. Recent flooding remedial works have only moved flooding elsewhere to the lower end of the field onto Corsham Road and the school, the vicarage and one dwelling.
- The apparent lack of maintenance of the ditch by the current owners of the site.
- The accuracy of the content of the Flood report submitted with the application.
- The proposed site for a potential car park for the school is not an appropriate location and raised concern for safety of those crossing the road to access the site, as human nature was to use the quickest route, not necessarily the safest.
- Regarding the potential for a mobile shop/Post Office on the proposed site for a car park for the school. It was stated it was the wish of those involved in keeping a shop in the village that the current site on Top Lane is retained.
- The application is outside the settlement boundary. If this application were to be approved this could lead to development elsewhere in the village, potentially outside the settlement boundary.

- The housing allocation for Melksham and the community area has already been met for the current plan period up to 2026.
- The erosion of the green buffer between Shaw and Whitley.
- Increased traffic.
- Lack of jobs/amenities in the village for new residents.
- Not shortlisted in the Neighbourhood Plan.
- Negative impact this development will have on residents in First Lane.
- The need to preserve the history and heritage of Whitley and potential impact on listed buildings nearby.
- Concern if this application were to go ahead, this could lead to other applications for development on adjacent land.

The Lead Member of the CAWS Community Emergency Group, CEG spoke to this application and expressed concern at the impact this application would have on flooding in the area and recommended refusal on those grounds and provided the following information:

- The presence of a catchment area crossing Ashford Homes land.
- The accuracy of the IMA Flood Assessment report, it was noted the report stated “the ditch appears to take surface water flows from urbanized areas of the village of Whitley”. It was felt this represented a disconnect between reality and the work of consultant.
- Members of the group had collated data with a conclusion that it was reasonable to expect a significant rainfall event of 30mm annually.
- Observations from a resident of Whitley had recorded 11 events over the last 9 years when First Lane and/or the B3353 had flooded.
- Monitoring and measurement had found the catchment to be very ‘flashy’. Rainfall in February 2020 resulted in flooding across the B3353, following which the CEG team were involved in preventing flooding of Shaw Vicarage and Shaw School. Records showed 14mm of rain fell on 15 February and 18mm on 16 February (relatively small amounts compared to previous incidents of flooding in the area).

- Information provided by the Environment Agency showed that the Southbrook rose in response to rainfall with the February level 0.2m higher than the previous highest recorded and this was a modest amount of rain.
- Whilst Wiltshire Council have recently improved drainage in the area, it is felt this will have contributed to the flashiness of the catchment and will increase the amount of water going downstream in a serious flood event.
- It is understood an extra 600mm culvert has been installed under First Lane if any culverts are blocked, this will cause serious flooding across Ashford Homes site.
- Concern that changes on this site, however well attenuated will increase the risk of flooding in the area.

Wiltshire Councillor Alford stated he had 'Called In' this application, to be considered at Planning Committee, if officers were minded to approve.

Wiltshire Councillor Alford also stated as Wiltshire Council had fallen below a 5 year land supply, there was a perception that Core Policies 1 & 2 of the Wiltshire Core Strategy, relating to settlement boundaries were no longer valid as material grounds for refusal.

However, having discussed this with planning officers, it was their view that planning applications for small developments, certainly those under 10 are not strategically important and therefore had a negligible effect on overall land supply and as such, the decision had been taken by Wiltshire Council to pass on larger developments for consideration at Strategic (specifically developments over 100 dwellings), because as far as the Planning Inspector was concerned they will have a notable impact on land supply. For smaller developments, where they have been refused and then gone to appeal, the Planning Inspector has fallen in step with Wiltshire Council in continuing to apply Core policies 1 & 2 in refusal, because they not considered to have a significant impact on the housing supply.

Wiltshire Councillor Alford stated, if the Council were minded to refuse this application then Core policies 1 & 2 were still valid reasons to refuse, as far as planning officers were concerned.

The Chair thanked Councillor Alford for clarification on this matter.

Tom asked if he could respond to the village boundary issue and stated the site had been carefully conceived and defended on all 4 boundaries, with development to the North, with the Southern boundary not extending any further

than Lagard House and could not creep any further South as that area was in Flood Zone 3.

Tom also clarified this site not being in the Neighbourhood Plan and stated Ashford Homes had met with members of the Steering Group, however, it was decided that only those developments of 10 or more would be considered for allocation in the plan, therefore, this site did not meet the threshold.

#### **41/20 Correspondence**

##### **a) To note comments made on proposals by Ashford Homes for 9 dwellings on First Lane as part of the Neighbourhood Plan consultation**

The Clerk informed the meeting, whilst the application for 9 dwellings on First Lane, Whitley was not a site allocation in the Neighbourhood Plan, various members of the public had commented on proposals for this development in their submissions on the Neighbourhood Plan during the Regulation 14 consultation.

Members notes the comments raised by members of the public, as part of their submission to the Regulation 14 consultation.

##### **b) To note correspondence from Stuart Morgan, Ashford Homes confirming attenuation arrangements on First Lane, Whitley**

Correspondence had been received from Stuart Morgan, Ashford Homes following the 'pre app' meeting with the parish council, stating that their drainage consultant had confirmed that the proposed development would attenuate the surface water from the increased hard surfaces and release it at a slow rate, providing significantly reduced levels (20% betterment) of surface water entering the brook in storm conditions.

Members noted the information contained within the correspondence.

##### **c) To note correspondence from Adam Withers, JBM regarding proposals for solar farm at Wick Farm, Beanacre, following the Planning meeting held on 20 July 2020**

Correspondence had been received from Adam Withers, JBM regarding proposals for a solar farm at Wick Farm, Beanacre following the meeting held on 20 July 2020, confirming what had been said at the meeting, clarifying in addition to the points raised at the meeting and following discussions with residents adjacent to the site, will provide further enhancement measures as follows (to be added for submission):

- To preserve the agricultural land opposite Westlands Farm adjacent to the Lane, we will be implementing a 15 acre winter bird feeding ground to provide an abundance of small seeds during the autumn and winter months during the lifetime of the project. Not only will this provide valuable food resource to local birds, but will also be beneficial to insects and invertebrates as an increased natural habitat. It was important for us to demonstrate the solar industries commitment towards the natural environment, and we hope this scheme will demonstrate how JBM is focused not only producing clean energy but providing vital resource to local wildlife. In total there will be over 22 acres of wildlife enhancement areas at Westlands Lane.
- Install a 0.5 high bund in the southeast corner of the site adjacent to Westlands Lane. The bund will have the ability to hold over 200 cubic meters of water, which will help to attenuate the flow of heavy rainwater towards the residents in Beanacre. We have listened to a number of concerned residents over the flooding situation, and want to demonstrate not only our commitment to eliminating any minor impact, but going even further to enhance the situation and hopefully provide another positive benefit from the project.
- A robust noise assessment has been undertaken as a number of residents expressed concern over potential impacts. Our findings indicate there will be a negligible impact to residents, however I can confirm we will be implementing casings around the DC-DC converters closest to residents, and in addition will construct timber fencing to act as an acoustic barrier to be absolutely sure the baseline noise level is not breached on Westlands Lane, Folly Lane and Wick Lane.

Members noted the information contained within the correspondence.

**d) To note planning application 20/04037: Demolition of existing garage to side and replace with new dwelling at 17 Blemheim Park, Bowerhill will be determined at the Western Area Planning Committee to be held on 19 August at 3.00pm (virtually)**

The Clerk informed the meeting that as a Parish Council they had not asked for this application to be called in.

Members noted the date of the meeting and clarified they did not wish to send a Parish Council representative to the meeting.

The planning application for 9 dwellings on First Lane, Whitley was moved further up the agenda for consideration, given members of the public were present.

**42/20 To consider the following Planning Applications:**

**20/05766/OUT: Land at First Lane, Whitley. Erection of 9 dwellings and associated works. Applicant Ashford Homes**

The Chair stated, notwithstanding the decision of Members, how easy it had been to work with Ashford Homes who had been very helpful, prepared to change things and very open, which had proved refreshing and thanked them for this.

Councillor Pile raised a concern that during school pick up and drop off, First Lane becomes very narrow, given the number of cars parked along it and raised a concern this development would exacerbate this.

Councillor Chivers stated members of the public had expressed similar views to himself and noted the land in question had constantly flooded during his time living in the village and also raised a concern at the erosion of the village boundary if this application were to go ahead.

Councillor Coombes raised a concern at the impact this development would have on flooding in the area and whether proposed mitigation measures were adequate to alleviate his concerns.

Councillor Baines, as the Council's representative on the Operational Flood Working Group stated this group had achieved significant benefits in Whitley through various schemes, including recently, the introduction of a second culvert under First Lane increasing the flow into Southbrook, which manifested in a very 'flashy' response of the brook itself, where it flowed under Corsham Road.

Councillor Baines drew attention to the fact this development was located above the flood plain and run off rate would be required to be lower than greenfield run off rate of the site as it stands, and explained the transit of surface water through the land would be maintained whether this site was developed or not. Water would flow through the land and if

the culverts under First Lane were blocked or restricted would result in the water flowing over the top of First Lane through green fields or through the proposed development if it happens or not.

Councillor Baines suggested that flooding itself was not necessarily a problem for the village itself, or no worse than it is currently, because of the recent work undertaken by Wiltshire Council in respect of alleviating the problem within the framework of the village itself.

Councillor Baines noted there were further problems on Southbrook further downstream that would need to be addressed to alleviate the problem as it exists at the moment, with or without this development.

Councillor Baines felt Members could not object to this application on flooding, as this should be restricted to the development itself and it would be up to the developers to convince potential buyers that everything had been done to alleviate flooding risk.

Councillor Baines explained Wiltshire Council were currently unable to prove a 5 year land supply within the Chippenham Area Market (HMA), which Melksham sits in and developers were taking advantage of this. Development was being proposed not just in Melksham, but elsewhere in the Chippenham HMA. Indeed, plans had been submitted in other areas of the parish recently such as Berryfield for 150 houses and another large application could come forward within the parish because Wiltshire Council could not evidence a 5 year land supply.

Councillors Baines stated whether Melksham had met its housing figures or not were irrelevant as Wiltshire Council could not prove a 5 year land supply and therefore, proposals for development would be considered differently because of this.

Councillor Baines felt saying the site was outside the settlement boundary and therefore should be rejected was not relevant in this case, given the lack of 5 year land supply. The development was infill between 78 Corsham Road and

Lagard House and was a single depth development, screened from First Lane, access was from an existing entrance and the hedgerow on First Lane retained, therefore the development was not creating a major difference to First Lane and unless Members could come up with a planning reason for opposing this development, it would be better to work with the developer to make the application as good as it could be for the village.

Councillor Pafford stated he found the IMA Flood report to be optimistic, particularly with regard to the figures for 1:100 year events, as these types of events have taken place several times in recent years alone, all over the Country and with climate change these incidences would increase.

Councillor Pafford also stated he felt the comments put forward by residents of Whitley were compelling and if this application were to be approved could set a precedent for other similar developments within the area.

Councillor Wood stated he viewed this application through the prism of the Neighbourhood Plan and stated Whitley had not seen development for over 50 years. However, some sort of development in Shaw & Whitley, particularly for affordable housing would be welcome.

Councillor Wood clarified if a housing site is included within a Neighbourhood Plan, this allowed areas to operate a 3 year land supply and protect itself against opportunist development, if Wiltshire Council could not prove sufficient land supply.

Regarding the settlement boundary, Councilor Wood stated he had taken on board Wiltshire Councillor Alford comments and reminded Members that previously, an application for a large development on Bath Road had been successfully defended for refusal, given the site was unsustainable when Wiltshire Council could not demonstrate a 5 year land supply a few years ago.

**Comment:** Members objected to this application on the following grounds:

- Outside the settlement boundary.
- Impact this development will have on the established gap between Shaw and Whitley.
- Potential for the site to flood during extreme weather conditions.
- Incremental change in traffic on First Lane.

**20/02092/FUL: The Old Peacock Pub. Peacock House. 125 Beanacre Road, Melksham. Shipping container for storage of tools, fork lift and other materials (retrospective) and raising of fence level. Applicant Mr J Hunjan**

**Comment:** Members felt, having looked at the plans and visiting the site, that it was being used as a builders yard, rather than for storage and therefore, **OBJECTED** to this application, given this site is an inappropriate location for a builders yard.

**20/05765/FUL: 50b Methuen Avenue, Melksham. Single storey front & side extension. Applicant Mr Daniel Smith (Note: This application is within the town on the border with MWPC)**

**Comment:** No objection

**20/05916/FUL: 64 Berryfield Park, Berryfield. Front porch extension and two storey rear extension - Applicant Joe Groves**

**Comment:** No Objection.

**20/05968/FUL: Paddock View, 6 Farmhouse Court, Melksham. Single storey contemporary extension to rear of property to provide kitchen/dining and living areas – Applicants Mr & Mrs Hunter (Note: This application is with the town on the border with with MWPC)**

**Comment:** No objection

**20/06685/LBC:** Paddock View, 6 Farmhouse Court, Melksham. Single storey contemporary extension to rear of property to provide kitchen/dining and living areas – Applicants Mr & Mrs Hunter (Note: This application is within the town on the border with MWPC)

**Comment:** No objection.

**20/06070/FUL:** 3 Lopes Close, Melksham. Proposed two storey rear extension. Applicant Mr Ferris.

**Comment:** No objection.

**43/20 Revised Plans.** To comment on any revised plans received within the required timeframe (14 days)

**20/04458/FUL – Land to rear of 39 & 40 Eden Grove, Whitley**

Correspondence had been received from Wiltshire Councillor Alford regarding revised plans for 39 & 40 Eden Grove, Whitley which had recently been submitted to Wiltshire Council.

It was noted the Parish Council had previously objected to this application on highway grounds, however, Wiltshire Council's Highway Officer had not objections to the proposed plans, even prior to revisions being made.

**Comment:** Members reiterated their previous comments, however, asked that Councillor Alford not 'Call in' this application to be considered at committee.

Councillor Alford left the meeting at 20.43pm.

**44/20 Planning Decisions**

Members noted Wiltshire Council had refused the planning application to convert The Toast Office, Top Lane, Whitley (20/04525) into residential units.

**45/20 Building for Life 12. To consider adopting these principles for new residential developments when holding discussions with developers.**

The Clerk explained she had recently been made aware of these principles and as Clerk had put these as a comment as part of the Reg 14 consultation for consideration by the Steering Group, as it was felt these principles would be useful during discussions with developers.

**Resolved:** To ask the Neighbourhood Plan Steering Group to consider adopting these principles in the Neighborhood Plan.

**46/20 Planning Legislation**

**a) Town & Country Planning (Use Classes) (Amendments) (England) Regulations 2020. To note changes in planning classes**

Changes to Planning (Use Classes) had been circulated to Members prior to the meeting for their information.

Members noted the information contained within this document, but suggested a more user friendly version be sought, which the Clerk agreed to investigate.

**b) Business and Planning Act 2020. To note modifications to:**

- i) Pavement Licences**
- ii) Premises Licencing to authorize off-sales for limited period**
- iii) Construction working hours**
- iv) Extension of certain permissions and consents**
- v) Procedures for certain planning proceedings**

Members noted the information contained within the above document.

## **47/20 Neighbourhood Plan**

### **a) To receive update on Neighbourhood Plan & Regulation 14 Consultation**

The Clerk informed the meeting, the Neighbourhood Plan Steering Group were meeting the following day for a workshop session, at which there would be an update on the responses received as part of the Regulation 14 consultation.

Having spoken to the consultants it appeared the level of responses were comparable to other towns of a similar size.

Locality had asked to do an article on Melksham as a good exemplar of holding a Regulation 14 consultation during Covid.

Additional funding of £1000 was available from Locality relating to Covid; that it felt was applicable and the Clerk would apply for.

The Clerk expressed her thanks to staff within the office for undertaking the huge task of logging the various entries.

## **48/20 S106 Agreements and Developer meetings: (Standing Item)**

### **a) To note update on ongoing and new s106 Agreements**

- i) To note, notes of meeting held on 30 July with Diana Hatton regarding Art Project for Bellway Development on Semington Road (Bowood View)**

Members noted the meeting notes of the meeting held on 30 July.

### **b) To consider any new S106 queries**

No new S106 queries had been received.

### **c) To note any S106 decisions made under delegated powers**

No decisions had been made by the Clerk under delegated powers.

**d) To note any contact with developers**

The Clerk explained various requests to meet the Parish Council had come through during Covid and it had been agreed at various Planning meetings to arrange to meet them which were approved at the Full Council meeting on 27 July 2020.

However, most, if not all, of these developments had also responded to the Neighbourhood Plan consultation. The Clerk explained she had asked if the Neighbourhood Plan Steering Group at their meeting the following day could clarify how/who approached these developers to enable consistency between both the town and the parish.

Meeting closed at 20.57pm

Signed: .....  
Chair on 21 September 2020