

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 23 August 2021 at 1 Swift Way, Westinghouse Way, Bowerhill, Melksham, SN12 6QX at 7.15pm

DUE TO THE ON-GOING COVID 19 PUBLIC HEALTH RESTRICTIONS, MEMBERS OF THE PUBLIC WERE WELCOME TO ATTEND THE FACE-TO-FACE MEETING, BUT WERE ENCOURAGED TO PARTICIPATE VIA ZOOM, DUE TO LIMITED SPACE AVAILABLE IN THE COUNCIL'S MEETING SPACE TO COMPLY WITH COVID RESTRICTIONS. THE MEETING WAS ALSO UPLOADED TO YOUTUBE

Present: Councillors Richard Wood (Committee Chair), John Glover (Vice Chair), David Pafford (Vice Chair of Council) Alan Baines (Committee Vice-Chair), Mark Harris & Mary Pile

In attendance: 2 Members of Public in the meeting room and 3 via Zoom

Officers: Teresa Strange (Clerk) (via Zoom) Lorraine McRandle (Parish Officer) and Marianne Ross, Finance & Amenities Officer

189/21 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting.

190/21 To receive Apologies and approval of reasons given

Apologies for absence were received from Councillor Chivers who was 'self-isolating' as a precaution.

191/21 Declarations of Interest

a) To receive Declarations of Interest

There were no declarations of a pecuniary interest.

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

None.

b) To note standing Dispensations relating to planning applications.

To note the Parish Council have a dispensation lodged with Wiltshire Council dealing with Section 106 agreements relating to planning applications within the parish.

192/21 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.

There were no items for closed session.

193/21 Public Participation

A resident of Semington Road in attendance in the meeting room, wished to voice their concerns at proposals for a double garage and home office at 489a Semington Road (PL/2021/06824). Their concerns had also been circulated to Members prior to the meeting for information.

The resident raised concerns the proposed garage and office, particularly given the size, could be turned into a separate dwelling in the future. They also raised concerns if the garage/office were to be turned into a dwelling, occupants may have to park on the road, exacerbating the current parking problems with vehicles parking near/on a blind corner and it was only a matter of time before there was an accident.

With regard to the proposed properties adjacent to 489a Semington Road, the resident raised concern these would be used as properties of multiple occupancy and not what had been approved by Planning and again, they would be tempted to park on the road, given lack of parking.

Another resident of Semington Road, in attendance via Zoom, supported the views expressed above.

A member of CAWS (Community Action Whitley & Shaw) Community Emergency Group (CEG) in attendance in the meeting room, wished to voice their concerns at proposals for 4 houses on First Lane (PL/2021/06922) and stated in commenting on the application to Wiltshire Council they had reiterated their previous comments made in 2020 for proposals for 9 dwellings on this site, as they were still relevant.

It was noted Whitley suffered with flooding on several occasions with this area in particular suffering from flooding events on an annual basis in recent years.

The CEG representative noted the Flood Risk Assessment was the same as the 2020 proposal, but with the different housing layout and expressed disappointment no attention had been paid to local knowledge in response to the previous application. CEG also did not agree the site was located in Flood Zone 1 i.e., low probability as stated in the report.

CEG had noted proposals included an attenuation pond and in one of the reports not it stated 'these values are estimates only and should not be used for design purposes', from the group's own calculations, they felt an attention pond for this catchment would have to be substantially

larger than that proposed.

With regard to the houses proposed, it was noted these would have relatively small paved areas at the rear. CEG felt it was probable owners would extend these and therefore expressed concern that any hard standing of surfaces would increase peakiness of 'run-off' into the South Brook.

Therefore CEG, given their experience of this catchment in their role as flood wardens, strongly recommended the proposal for 4 dwellings on First Lane be rejected.

A Member of Community Action Whitley & Shaw (CAWS), in attendance via Zoom also wished to voice the group's objections to proposals for 4 dwellings on First Lane (PL/2021/0922). A copy of their response to Wiltshire Council had been circulated to Members prior to the meeting for their information.

The CAWS representative highlighted the group's various comments/concerns:

- Whilst it was noted there had been a reduction in the dwellings proposed from 9 to 4, this did not fundamentally change the concerns residents had with regard to previous issues raised.
- Due to the age demographic in the village, some people would not have the opportunity to respond to the proposals because they did not have access to IT and appealed for the Parish Council to put extra weight in the comments of CAWS.
- The site is outside of the settlement boundary and would erode the gap/green space between the villages of Shaw and Whitley. Whilst the group recognised Core Strategy 2 allowed for carefully managed development outside a settlement boundary, did not believe this proposal passed the tests for this site to be considered, specifically with regard to the site providing 'investment in employment, tourist accommodation, affordable housing or otherwise supports the diversification of the rural community'.
- Whilst it is only proposed to build on this field, the developer owns the adjacent field and concern was raised this could be developed in the future, if this development were approved.
- Compound issues of flooding in the area.
- The impact this development would have on heritage of the area, particularly as there are several listed buildings in the vicinity of the site.
- This site is not included in the Neighbourhood Plan and following

adequate consultation another site in Whitley was included and therefore Whitley will be taking its share of housing.

- Impact on the ecology of the site.
- Impact on already overstretched doctor services and lack of school places.

Another resident of Whitley attending the meeting via Zoom supported the views raised by the Members of CAWS and CAWS CEG.

194/21 To consider the following Planning Applications:

Councillor Wood, as Chair, asked if Members were happy to consider those planning applications relating to 489a Semington Road and First Lane, Whitley first, given the level of interest by Members of the public, which Members agreed.

[PL/2021/06824](#): 489a Semington Road, Melksham. Erection of detached double garage and home office.

Councillor Wood was aware of the history of development around this site and stated that he shared the concerns expressed earlier in the meeting by residents, in that the garage/office could be turned into a separate dwelling in the future and agreed the area around this dwelling was overcrowded and felt it was unclear who the garage was for.

Councillor Glover reminded members the Committee could only consider the application in front of them and it would be difficult to turn it down on planning grounds.

Councillor Baines supported the views expressed by Councillor Glover and explained there was space to include a double garage on the site, but the Council could ask that a condition be placed on any planning permission that the garage/office could **not** be used as a separate dwelling in the future.

With regard to on street parking concerns, Councillor Wood stated several parking spaces could be provided adjacent to the proposed double garage to replace parking lost, following approval for the erection of 4 dwellings on land adjacent to this site, which was in the same ownership.

Councillor Glover noted on the plans provided, parking spaces had been proposed to the front of the 4 dwellings. 489a delineated by the red line on the plan

was shown as a separate entity, suggesting the garage would appear to belong to 489a Semington Road and therefore in planning terms the Committee could only comment on the application submitted in proper planning terms, but could ask for a condition, if the proposals were approved that the garage/office could not be converted into a separate dwelling in the future.

Comments: Whilst **NOT OBJECTING** to this application, Members commented the proposal was out of scale for such a development and therefore asked, if this application were approved, that a covenant/condition be put in place that the garage and office cannot be turned into a separate dwelling in the future.

Members also commented it was unclear to which property the garage was to serve, as whilst the application was for 489a Semington Road, the plans submitted referred to 489 Semington Road.

[PL/2021/06922](#): Land at First Lane, Whitley. Outline proposal for 4 dwellings and associated access and landscaping works. Applicants Ashford Homes

Councillor Glover sought clarification whether the proposed properties were in or outside the flood plain.

Councillor Pile explained she understood from someone who lived opposite the site that it had previously been under water.

It was noted Wiltshire Council had recently undertaken some works in First Lane to improve flood water flow away into South Brook.

Councillor Baines explained the proposals were above the flood plain and whilst being reduced from the original plans were not necessarily for local people and felt it was a retrograde step to be looking at large properties on this site.

Councillor Baines also confirmed Wiltshire Council had undertaken a lot of flood alleviation work in the area, with this application building on this, with the provision of an attenuation pond for the run off associated with the development and felt as long as Wiltshire Council's Drainage Team were satisfied this application would not adversely affect the surface water drainage in the area, would have difficulty objecting.

Councillor Baines clarified the site was not included in the Neighbourhood Plan, as it was too small a site and below the criteria set for it to be allocated within the Plan.

With regard to the site being outside the settlement boundary, without a 5-year land supply, this site would be considered as a windfall site. However, suggested whether 4 large properties would be acceptable in terms of what the local community needed, as these could attract people from outside the locality, as opposed to smaller properties for local families.

It was noted reducing the number of properties would also reduce the possibility of traffic congestion on First Lane, therefore on planning grounds it would be very difficult to object, particularly as the various concerns raised previously had been resolved such as the existing road side hedgerow and trees to be protected, the issue with one of the trees on the site had also been addressed.

Councillor Pafford raised concern at some of the content in the Design and Access Statement i.e.:

- The site description stated the site was to the North of First Lane when in fact it was to the South.
- 'Visitor parking can be accommodated on driveways and through on street parking on First Lane which has unrestricted parking'. This statement was alarming given how narrow First Lane is near to this site.
- On page 22 the statement '...and following completion by generating additional demand for existing services in the Melksham Community Area, this will be achieved by retaining existing residents who will vacate existing housing stock to occupy the new development and attract new households to Whitley.' Councillor Pafford felt this was an assumption and felt larger properties would attract those from outside the area, wishing to locate to a village and possibly still work where they currently worked.
- 'Enhance natural surveillance'. It was unclear what this statement meant.

- With regard to the statement ‘...the settlement boundary should be overridden, because of the opportunities this development provides for extra housing in the area for local people’. Councillor Pafford felt this application did not answer this point and would not be adding to local housing stock for local people.

Councillor Pafford also raised concern that as adjacent land was under the ownership of the same developer, this land could be developed for housing in the future.

Councillor Pile also expressed concern at reference to on street parking in First Lane within the Design and Access Report, given parts of it are very narrow and consistently used twice a day by people picking up children from the school, making it very difficult for other road users, particularly for buses wishing to get by.

Councillor Wood stated the Local Plan was currently under review and would be allocating housing numbers for the Shaw and Whitley area, creating a lot of pressure for the villages and felt the development proposed was not what the area wanted, especially as it was outside the settlement boundary, therefore the Parish Council needed to resist the proposals, particularly as the Neighbourhood Plan was now made, giving protection against a lack of 5 year land supply which would be in place for at least 2 years. The Neighbourhood Plan also included proposals for yields of affordable housing which this application did not.

Councillor Glover stated the Council’s response needed to include reference to improvements to the SUDs (Sustainable Urban Drainage) provision proposed, if this application were approved, as those proposed were not sufficient. Further enhancements to the natural environment were also needed and noted the Ecological Impact Assessment on page 43 referenced additions to the SUDs measures stating ‘...suitable enhancement measures **could include**’ and felt this should say ‘**should include**’, things like bat and bird boxes etc..... and a tick box of what was currently present as well as improvements in the future.

Councillor Wood invited the representative from CAWS CEG to speak to this application, therefore Standing Orders were suspended.

The representative from CEG stated with regard to

Wiltshire Council's recent improvements to the drainage, the only evidence of its effectiveness was that the 'peakiness' had increased. No attenuation was done as part of the work, but to divert water away, and noted Wiltshire Council's Drainage Team were not in approval of the previous plans submitted for various reasons.

Standing Orders were reinstated.

Comments: The Parish Council **CANNOT SUPPORT** this application on the following grounds:

- The development is outside the settlement boundary.
- As the Melksham Joint Neighbourhood Plan has only recently been made, this affords protection against a lack of 5-year land supply for at least 2 years.
- The provision of 4no. 5 bed dwellings does not meet the current needs of Shaw and Whitley and does not include affordable housing.
- Erodes the visual boundary between Shaw & Whitley.
- Impact on the highway, due to the potential for extra vehicles to park on First Lane, which is narrow in places and used twice daily as parking for "school run" traffic for Shaw primary school.

If Wiltshire Council were minded to approve this application, more enhancements are required to the SUDs provision proposed, with further enhancements to the natural environment such as the inclusion of bird, bat and hedgehog boxes.

[PL/2021/04005](#): 34 Shaw Hill. Erect a 2-metre fence and gate.

Comments: Members **OBJECT** to this application as the provision of 2m fencing would be incongruous in the rural street scene setting, as opposed to hedging, and would prefer to see the retention of the hedge and tree proposed to be removed.

Concern was raised people may have to park on the road in order to open and close the gates to the drive.

[PL/2021/05869](#): 2 Hornchurch Road, Bowerhill. Retrospective dropped kerb and hard standing area to front.

Councillor Glover noted the dropped kerbs had not been installed as yet and therefore the description of the application was inaccurate. Councillor Glover also raised a concern the hard standing was not porous and

understood there was parking to the rear of this property which sat on a corner plot with double yellow lines marked on the highway around it.

Comments: Members **OBJECTED** to this application as the surface of the hard standing was not porous.

The description of the application was inaccurate, as the dropped kerbs had not been installed as yet to Wiltshire Council's specifications with regard to splays etc., which was particularly important as this property sat on the corner of Hornchurch Road and had double yellow lines marked on the highway adjacent to it.

PL/2021/06798: 49 Lancaster Road, Bowerhill. Replacement Workshops, MOT Bay & offices.

Councillor Glover noted the problems associated with seagulls in the Bowerhill Industrial estate area and whether there was a need to ensure any proposals for new roofs in the area were not flat in order to discourage them.

Comments: Whilst **NOT OBJECTING** to this application, Members noted the issues associated with seagulls around Bowerhill Industrial Estate and whether there were more appropriate roof designs in order to discourage them.

PL/2021/07240: Existing operational car park off Commerce Way Adjacent to the Travelodge Melksham. Proposed Electric Vehicle Charging Station and associated ancillary works, which will entail 4 rapid charging units, each capable of serving two cars simultaneously, resulting in 8no. charging bays and associated electrical sub-station. Applicant Fastned Ltd

Councillor Glover noted several inconsistencies in the Planning, Design and Access Statement with regard to the following:

- Number of bays proposed went from 6-10.
- Reference to the site being in the Market Town of Melksham, was not strictly true.
- Queried reference to passing drivers in the report, given the location.
- Would question reference to adherence to Core Policy 15 of the Core Strategy in contributing to improvements to town centre regeneration given its location.

Councillor Glover raised concern at the loss of green space for the bays and the substation and the need for mitigation, as well as the suggested colour for the canopies on the bays.

Councillor Baines raised a concern whether it was necessary for the strengthening of the electricity supply network to feed the new substation and suggested it needed to be established if there was an adequate electricity supply at this location to feed the substation.

Comments: Whilst having **NO OBJECTION** to this application, Members asked for mitigation against the loss of green space for the bays and substation.

Members also queried whether this application contributed to the regeneration of Melksham Town centre, rather it would provide facilities for the wider population as a whole.

Members noted it was unclear reading some of the supporting documentation whether the application was for 8 bays or more and this needed clarification.

Members also questioned whether it was necessary for the strengthening of the electricity supply network to feed the new substation and suggested it needed to be established if there was an adequate electricity supply at this location in order to feed the substation.

195/21 Revised Plans: To comment on any revised plans received within the required timeframe (14 days).

There were no revised plans for consideration.

196/21 Planning Enforcement:

a) To note any new planning enforcement queries raised

Following concerns raised by a resident that a large storage structure had been erected in Whaddon Lane, Berryfield without planning permission, Planning Enforcement had been contacted who had confirmed prior approval for the storage facility had been submitted in November 2020 with a decision that prior approval was not required.

Councillor Harris explained following on from the previous Planning meeting regarding applications relating to land to the rear of 66 Locking Close, Bowerhill, which appeared to have restrictive covenants attached to remain as open space had noted the residents

of 59 and 64 Locking Close had similarly enclosed the land to the rear of their properties into their rear gardens. On investigation, there appeared to be no planning applications listed for either and asked if this could be investigated by Planning Enforcement.

Recommendation: To ask Planning Enforcement to investigate if the land to the rear of 59 and 64 Locking Close had received the relevant consents, particularly as it would appear adjacent land had restrictive covenants attached to it.

197/21 Planning Portal, Wiltshire Council. To note response from Wiltshire Council following feedback from the Clerk on lack of information provided on who has been consulted on particular planning applications

The Parish Officer explained at the last Planning meeting several residents of Beanacre had raised a concern they had not been informed of an application near their properties and upon investigation, the Clerk had noted the facility to look up those neighbours who had been notified, as well as other consultees, was no longer available on the new Planning Portal, therefore, had contacted Wiltshire Council's Planning Department to make them aware how useful this facility was.

Wiltshire Council had responded to say they had received similar feedback from other Councils and had subsequently included a Consultation List of neighbours and consultees on the portal.

The Parish Officer explained on looking up recent applications had noted a list of consultees had been included on several applications.

198/21 Street Naming. To consider design of street naming information board at Pathfinder Place

The Parish Officer explained the Clerk sought a steer from Members if they wished the street naming information board to include a map similar to the one drawn up by artist Marilyn Trew for Bowood View which would depict the RAF officers who the streets were named after.

Recommendation: To commission Marilyn Trew artist to create a map to include drawings of the various RAF officers, as well as a brief biography.

199/21 Community Infrastructure Levy. To note recent CIL receipts with regard to:

- 18/07286- Adjacent To 489a Semington Road- Erection of 4 no. dwellings (Resubmission of 17/04649/FUL): £4,222.48
- 20/04037/FUL- 17 Blenheim Park- Demolition of existing garage to side and replace with new dwelling: £519.31

- 21/01601- Shaw Country House- Change of use of part of hotel to residential, extensions to dwelling; front boundary wall and gates; two storey detached building providing garaging for dwelling and service space to holiday lets and new two bed holiday unit: £676.24.

Members noted the various CIL contributions received from the above developments.

With regard to Shaw Country House Hotel, Councillor Pile noted signage was still installed along the A365 and asked if the Council could ask that this could be removed which was agreed.

200/21 Planning Policy

a) Update from Wiltshire Council session on updates to National Planning Policy Framework (NPPF) and how to review a Neighbourhood Plan

The Parish Officer explained the Clerk had attended the meeting, the presentation material and a list of questions and answers from the session had been circulated to Members prior to the meeting for their information.

Councillor Glover noted with interest the NPPF supported the inclusion of tree lined streets within new developments, which would appear to be against current Wiltshire Council policy.

b) Neighbourhood Planning

i) To note Minutes of Steering Group meeting held on 27 May 2021.

The Parish Officer explained these would be produced shortly.

ii) To note Neighbourhood Plan has met 6-week period from made date.

Members noted the Neighbourhood Plan had met the 6-week period from when the plan had been made in which legal challenges could be made and none had been received.

c) To note correspondence from the Clerk of Semington Parish Council regarding Semington being placed in Trowbridge Housing Market Area (HMA) and correspondence from Councillor Nick Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change.

Members noted the correspondence from the Clerk of Semington Parish Council, raising concerns at Wiltshire Council's decision to move Semington from the Chippenham Housing Market Area (HMA) to Trowbridge Housing Market Area and subsequent correspondence

from Councillor Nick Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change.

Semington Parish Council's raised a concern that neither their Council or the local Wiltshire Councillor were explicitly consulted on the issue.

Councillor Baines expressed sympathy with their concerns raised and the lack of consultation and sought clarification the new Wiltshire Council Ward of Melksham Without West and Rural which was understood to include Semington and parts of Melksham Without meant this ward was in two different HMAs, given Melksham and Melksham Without had been moved from Trowbridge to Chippenham HMA some years ago.

Recommendation: To write to Wiltshire Council sympathising with Semington Parish Council's concerns and the lack of consultation, copying in Semington Parish Council and to highlight that Melksham Without West and Rural Ward is in two different HMAs, if indeed that is the case.

d) National Design Codes Pilot Scheme: To consider whether Melksham Without Parish Council wishes to recommend that the Melksham Neighbourhood Plan Steering Group submits an Expression of Interest for the Design Code Pilot Scheme.

The Parish Officer explained Expressions of Interest regarding the National Design Codes Pilot Scheme were being sought with a deadline for applications of 13 September 2021. Melksham Town Council had also received the same information and at a recent Economic Development meeting had made a resolution the Neighbourhood Plan Steering Group submit an Expression of Interest.

Recommendation: To recommend the Neighbourhood Plan Steering Group submit an Expression of Interest application to be part of the National Design Codes Pilot Scheme.

201/21 S106 Agreements and Developer meetings: (Standing Item)

a) To note update on ongoing and new S106 Agreements

i) Public Art Update

- Pathfinder Place – To note the public art was due to be installed week beginning 23 August.
- Bowood View

Members noted the update from artist Kerry Lemon which had been circulated to Members prior to the meeting.

Councillor Baines noted reference to whether permissions were required to use logos for various companies, such as

Moles Brewery, Avon and the RAF and informed the meeting Moles had been sold to Wickwar Brewery in 2017 and therefore owned the rights to the logo and was established in 1982 and not 1985 as stated. With reference to Avon, it was unclear if this was relating to the one on Commerce Way or the one in town, which had been brought out several years ago. Regarding the RAF gatehouse badge, as this Parish Council had this, felt there would be no issue with this.

Councillor Baines also noted reference to Rope Walk and noted the Maggs family had been involved in rope making in the town and felt reference to Maggs would be appropriate.

ii) Play Areas

A copy of correspondence to Taylor Wimpey from Steve Hawkins, Technical Officer, Communities & Neighbourhood, Wiltshire Council had been received, following his recent visit to the Davey play area at Pathfinder Place to check progress. His report noted several outstanding issues had not been resolved, such as the installation of a fence/barrier opposite one of the play area gates facing the pond, the double gates required a ground socket to enable it to be secured by means of a drop bolt and two play area signs were required.

Members expressed frustration the works had not been done, despite a site meeting in February and the Clerk subsequently chasing this up with Taylor Wimpey on several occasions.

Councillor Pafford sought confirmation on the last time this matter was chased by the Clerk, with the Parish Officer confirming, her understanding was the Clerk had chased at least two weeks previously.

Councillor Glover also expressed frustration in the delay in the new lighting system being installed on the A365.

Resolved: For the Clerk to ask Wiltshire Council to chase Taylor Wimpey for an update on progress prior to the play area being handed over to the Parish Council.

b) To note any S106 decisions made under delegated powers

None.

c) To note any contact with developers

None.

Meeting finished at 8.58pm

Signed:
Full Council Meeting 13 September 2021