

**MINUTES of the Planning Committee of Melksham Without Parish Council held
on Monday 8 February 2021 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 OR VIA
YOUTUBE**

Present: Councillors Richard Wood (Council & Committee Chair), John Glover (Council Vice Chair), Alan Baines, (Committee Vice-Chair), Terry Chivers, Gregory Coombes, David Pafford and Mary Pile

Also Present: Wiltshire Councillor Phil Alford (Melksham Without North)

Members of public present: 6

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

308/20 Welcome, Announcements & Housekeeping

The Chair welcomed everyone to the meeting.

The Clerk stated that the meeting was being live streamed via YouTube and would be available until the day after the minutes were approved.

309/20 To receive Apologies and approval of reasons given

No apologies were received.

310/20 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**

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

Public Participation

Several members of the public from Farmhouse Court and the surrounding area (within Melksham Town Council boundary) were present, to voice their concerns/objections to planning application 20/11601/REM: Land East of Spa Road for 26 homes.

The main concern was the impact of flooding currently being experienced by several properties adjacent to the site. Several residents expressed concern that they had not witnessed flooding of their gardens previously and therefore this could only be attributed to the construction work currently taking place on the overall site.

Concern was raised that whilst construction work had not started adjacent to the listed wall of Farmhouse Court, once it did, this area could also experience flooding, not just of gardens but also properties and could also impact the stability of the listed wall which has no foundations, but was supported by buttresses.

It would appear the ground level around the site has been raised 3-4ft, which was not highlighted in the plans submitted.

It was noted the new plans showed a trench to divert rain water from the roofs and gardens of the new houses adjacent to Farmhouse Court. It would appear the trench would be too narrow and shallow and sit on a higher level than those properties in Farmhouse Court, therefore, any 'run off' would flow into Farmhouse Court. The trench appears not to connect to any system into which the water can run off, also there appears to be no mechanism to avoid blockage of the trench, such as from fallen leaves.

Residents of Farmhouse Court raised a concern that whilst it was noted there had been a reduction in dwellings proposed from 28 to 26 and 3 storey dwellings removed from the boundary with Farmhouse Court, their privacy would be impinged due to the increase in ground levels resulting in the houses proposed adjacent to the site being over bearing and over-looking their properties.

It was noted that 'spoil' from the site were being dumped quite close to the listed wall of Farmhouse Court, to the extent construction workers stood on the spoil the other side of the wall can clearly be seen above the wall which is several feet high.

A resident of a property nearby (who provided various photographic evidence) stated they were experiencing significant flooding of their garden and whilst it was understood parts of the garden had flooded previously in heavy rain, not to the extent it was at present.

Dead Great Crested Newts, which are a protect species, had been found in the flood water, however, it was unclear where these had come from and whether they had been displaced from the construction site. Other dead animals had also been found in the flood water 'run off' from the site.

It was unclear whether the existence of Great Crested Newts had been noted in any reports accompanying the various applications for this site.

Despite several residents being in constant contact with Wiltshire Council and landowners/developers regarding their concerns, particularly with flooding, they expressed frustration that no action appeared to be taking place, with 'Covid' being used as an excuse for lack of site visits.

Residents felt planning conditions had been breached and asked that Wiltshire Council follow up on these breaches and the various issues raised by residents. They asked that the developers amend their plans to ensure adjacent properties are not flooded; those houses adjacent to Farmhouse Court are only built at the original ground level and that developers prove how they will ensure that any water will drain away from the historic structures of Farmhouse Court.

Wiltshire Councillor Phil Alford explained that unfortunately Wiltshire Councillor Nick Holder who's ward this site sat within, was unable to attend the meeting, but had been speaking to him and Wiltshire Councillor Jon Hubbard as ward member for Melksham South about this application. He asked if he could be passed copies of the photo evidence, particularly of the Great Crested Newts to pass on to colleagues at Wiltshire Council for investigation.

Councillor Phil Alford also asked to speak to planning application 21/00226/FUL: 46 Westlands Lane Beanacre for a first-floor extension above existing and single storey extensions to side and rear.

Councillor Alford explained the applicant was applying for planning permission to extend the property in order to provide extra living space for additional family members and had been unable to attend the meeting themselves.

312/20 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 the consideration of the following item of business 9b as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.

The Clerk explained Members may wish to discuss items relating to the Neighbourhood Plan in closed session, as negotiations were currently taking place and would be prejudicial if discussed in an open forum.

Resolved: If necessary, items under the Neighbourhood Plan be held in closed session.

Councillor Wood asked for planning applications 20/11601/REM and 21/00226/FUL be moved further up the agenda, as members of the public were present to listen to debate.

313/20

To consider the following Planning Applications:

20/11601/REM: Land East of Spa Road, Melksham. Reserved Matters for 26 homes forming Phase 2A of outline planning permission 17/09248/VAR. Consent is sought for all outstanding matters relating to this area, comprising Scale, Layout, External Appearance, Landscaping, Internal Access Arrangements and the Mix and Type of Housing. Applicant Barton Willmore.

The Clerk reminded Members of comments received from the Planning Officer regarding the issues of flooding and that they were not relevant to this planning application, but being dealt with by colleagues at Wiltshire Council.

Whilst members welcomed the reduction of dwellings from 28 to 26 and extra visitor parking, they felt it was difficult to approve changes without taking into account the concerns of residents in that it appears the properties are being built on higher ground than previously understood and this is impacting on neighbouring properties.

It was felt that whilst trying to solve their own drainage issues on the site, the developers had caused issues elsewhere, which was having an impact on adjacent neighbouring properties.

Several councillors raised concerned that this application was for large properties, as it was understood there was a need for smaller more affordable housing in the area.

It was felt the change in natural ground level was unacceptable due to 'run-off' to adjacent properties

and land and this needed to be raised with the Drainage Team at Wiltshire Council, the Planning Team at Wiltshire Council as well as the Environment Agency.

It was suggested residents should also write to the Environment Agency and Wessex Water with their concerns.

Comments: The Parish Council are disappointed the work taking place on site at present is causing issues and therefore feel unable to support any changes to the current plans until these issues have been resolved.

Members also noted the change from smaller to larger type housing, as it is understood there is a demand for smaller more affordable housing in the local area.

Members asked that some affordable/social housing is allocated on this application site, in order to give an even spread of affordable/social housing across the whole site.

It was agreed to ask Wiltshire Councillor Nick Holder (Melksham Without South) to call this application in for consideration at a Wiltshire Council Planning Committee.

Members of the public left the meeting at this point.

21/00226/FUL:

46 Westlands Lane Beanacre. First floor extension above existing single storey extensions to side and rear. Applicant Mr Stuart Jackson

Comment: No objection, but ask that a condition be placed on any planning permission that this extension remains part of the main house and cannot be used or sold as a separate dwelling in the future.

Councillor Alford left the meeting at this point.

[20/03543](#)/FUL: 27 Beanacre, Beanacre. Detached four bedroom house with detached double garage. Applicants Mr & Mrs Townsend

Comments: Whilst having no objection to this application, Members reiterated their previous comments made on 8 June, 20 July and 7 September. Including the subsequent email from officers to the Drainage Team drawing to their attention an adjacent property had been pumped out by the Fire Service as recently as February 2020.

Members wished to draw particular attention to their comments made with regard to the positioning of the proposed new dwelling to be in alignment with existing dwellings in order to protect the street scene.

[20/11342](#)/FUL: Land South East of Poplar Farm, Bath Road, Shaw. Conversion and redevelopment of redundant outbuildings (former stables) to form a 3 bedroom residential dwelling. Applicant Mr William Whitmore

Comments: No objection.

[20/11652](#)/FUL: Bay Tree Barn, Lower Woodrow, Forest. Change of Use of Existing Stables to Offices and Workshop (Class E). Applicants Mr Law & Ms Coleman

Comments: No Objection.

[21/00033](#)/FUL: Summerleaze Lodge, 10 Beanacre Road, Beanacre. To convert an existing garage and workshop into an annexe. Applicants Mr & Mrs Neale

Comment: Whilst having no objection to this application, Members asked that a condition be placed on any planning permission that the annexe has a 'tie' to the house and remains part of the existing house and not used or sold as a separate dwelling in the future.

[21/00271](#)/FUL: 11B Shaw Hill, Shaw. Extensions and alterations to dwelling including the erection of new detached garage. Applicant Mr Jag Mahil

Comment: Whilst **OBJECTING** to proposals/materials to be used for the roof, which would be out of keeping with the surrounding area and incongruous, members had no objection to the rest of scheme.

314/20 Revised Plans To comment on any revised plans received within the required timeframe (14 days).

None received.

315/20 Planning Enforcement:

a) To note any planning enforcement queries raised

No new queries to note.

b) To note response from Planning Enforcement re removal of trees on Pathfinder Way

The Parish Officer explained that Planning Enforcement had been informed of a potential breach of planning conditions and subsequently been provided with an up-to-date landscape map.

Planning Enforcement had advised that on initial investigation there was no breach of planning condition but would continue to investigate.

The Parish Officer explained she had cross referenced the map provided by Planning Enforcement with the map provided by Councillor Glover, indicating the trees removed and made Planning Enforcement aware of the findings, which appeared to show trees removed against planning permission and would update Members was investigations had been completed.

The Clerk explained that during recent conversations with Taylor Wimpey staff regarding the public art installations, she had expressed disappointment that their colleagues had not responded as yet to her email regarding this matter.

316/20 Planning Policy

a) Lack of 5 Year Land Supply

i) To note Response to Councillor Briefing Note 20-37 regarding Housing Land Supply and response if received from Wiltshire Council

Members noted the Clerk had written to Mr Fox, Director of

Economic Development & Planning in response to the Councillor Briefing Note 20-37 - Housing Land Supply, highlighting the following paragraph:

'The views of the local community, particularly those of town and parish councils will be important in considering potential benefits and impacts of proposals when planning applications are determined'

The Clerk in her response hoped this would be borne in mind when considering applications recently submitted for consideration, such as the 144 dwellings on Semington Road, Berryfield which was due to be considered at the time, at an upcoming Strategic Planning Committee on 27 January.

Given the application had since been given planning permission, this would appear not to be the case.

Councillor Coombes expressed frustration at constantly being told about the lack of 5-year land supply as justification for more housing and asked that a letter be sent to the Wiltshire Association of Local Councils (WALC) to ask how Wiltshire got to this position and what could be done to resolve the issue and whether other counties experienced similar problems.

The Clerk explained a response to her previous correspondence to Wiltshire Council regarding the lack of 5-year land supply had not been received as yet, however, Councillor Glover, at the recent public consultation meeting on the Local Plan Review, had also raised the question of the impact of the lack of 5-year land supply with Sam Fox.

The Clerk explained that she had made contact with Chippenham Town Council regarding their Local Plan Review response, on behalf of the Melksham Neighbourhood Plan Steering Group and had been made aware of a group called Wiltshire Area Localism Planning Alliance (WALPA) which had been set up in August last year following Malmesbury Town Council's frustration that having an adopted Neighbourhood Plan did not protect them against speculative development against a lack of 5 year supply as envisaged. Whilst an adopted Plan protects against a lack of 5-year land supply, down to 3 years, this did not hold if the adopted Plan was over 2 years old due to Neighborhood changes in the NPPF (National Planning Policy Framework). The parish council had supported Malmesbury Town Council's campaign in the summer, and had contacted local MP Michelle Donelan on the matter, but

was unaware that 30+ Wiltshire parish and town councils, and Neighbourhood Plan groups had formed an alliance.

The group were due to meet the following day, to which there was an open invite to members of both the town and parish council, as well as the Neighbourhood Plan Steering Group.

Councillor Baines explained that whilst developers were obtaining consents, they were not necessarily delivering on those consents hence the lack of 5-year land supply and felt this was a problem throughout the Country.

Recommendation: To write to WALC to raise the issue of how Wiltshire got to the position of a lack of 5-year land supply again within a few years, whether other areas experience the same issue and what could be done to resolve this issue. To seek clarification if this issue is due to developers not building homes, despite receiving planning permission.

b) Neighbourhood Plan

i) To note minutes of the Steering Group meeting held on 27 January 2021

Members noted the minutes of the meeting held on 27 January 2021.

ii) To consider Neighbourhood Plan Steering Group proposal on a way forward in responding to the Local Plan Review consultation (feedback from NHP Steering meeting on Thurs 4 Feb)

The Clerk explained a timeline of how the Neighbourhood Plan Steering Group would work through the proposals had been sent to Members for their information:

Monday, 8 February at 7pm - Planning Committee Meeting:

To give steer for Local Plan Review (LPR)

Thursday, 11 February - 10am to 1pm:

Neighbourhood Plan (NHP) workshop to answer questions on the Local Plan Review (open to councillors of both the town and parish council)

Thursday, 18 February at 6pm:

Neighbourhood Plan workshop with spatial planning consultant to undertake site selection work (open to town and parish councillors)

Monday, 22 February at 7pm - Planning Committee Meeting:

Opportunity to give steer for Local Plan Review

Wednesday, 24 February at 6pm:

NHP Steering group to approve submissions to LPR

Monday, 1 March at 7pm - MWPC Full Council & Town Council:

To approve Local Plan Review submission

The Clerk explained there was an opportunity for Members at this meeting to feed any comments into the LPR to the Neighbourhood Plan Steering Group meeting on 11 February.

The Clerk stated Members may wish to consider their input on the following:

- Why Wiltshire Council had gone for a higher number than the Government in calculating the housing figures and what evidence is available to suggest Wiltshire needs more houses.
- The need for more employment land in Melksham.
- Site selection and how the housing should be dispersed either on one large site or smaller sites. The Clerk suggested the Members may wish to go into closed session for this item.

Councillor Wood expressed concern Wiltshire Council were seeking a higher level of housing than proposed by Central Government and felt there was a need for additional employment land to attract larger employers to Melksham in order to stop the level of out commuting currently taking place, which was supported by other Members.

Councillor Baines explained there were a lot of vacant sites at Bowerhill and that might be one reason for non-allocation of more employment land for Melksham.

Councillor Glover noted that most of the sites in and around Melksham were relatively small and what was required were bigger sites to attract large employers.

Caution was expressed that in wishing to have more employment land this could give justification to Wiltshire Council in allocating more housing in Melksham.

Councillor Glover noted the Emerging Strategy and Planning for Melksham documents contradicted each other on whether additional employment land was required in Melksham.

Discussion ensued on the possibility of dispersing the housing in and around Melksham rather than one large site, however, it was felt in order to attract the necessary infrastructure, such as schools and a commercial centre to accommodate the housing required, a large site would be necessary and these were located to the East of Melksham.

Councillor Wood expressed how difficult it was to make an informed decision on exact sites and how many, given the number of unknowns, such as when the Wilts & Berks Canal Melksham Link (which would require enabling development) would be implemented and the need to safeguard a route for a potential by-pass for Melksham.

Councillor Baines queried the perception that because Melksham had done well in the past Melksham why was it going to do well in the future in taking housing and suggested a more sustainable approach would be to allocate most of the housing for the Chippenham Housing Market Area (HMA) around Chippenham itself, given better transport links and available employment land.

Councillor Glover stated the rationale of why Melksham seemed to be singled out to take a large percentage of the housing requirement for the Chippenham Housing Market Area (HMA) should be questioned.

The Clerk felt Members had provided enough feedback to enable those attending the upcoming Local Plan Review meetings to give a steer on the parish council's thoughts.

iii) To consider draft review of Terms of Reference for Steering Group

The Clerk explained she was in the process of typing these up and would be presented at a future meeting.

c) Local Plan Review. To receive feedback from Public Consultation events (Thurs 28 January – Melksham; Tues 2 February – Rural Communities)

- i) Emerging Spatial Strategy**
- ii) Planning for Melksham (access to recording of recent consultation event:**
- iii) Melksham Pool of Potential Development Sites**
- iv) Empowering Rural Communities**
- v) Climate Change - To consider response as outside scope of NHP work**
- vi) Gypsy & Travellers Consultation – To consider response as outside scope of NHP work**

Members supported the information contained in the Gypsy & Travellers Consultation document but did not want to submit any comments. Nor on the Climate Change document.

Several Members stated they had attended the various online events regarding the Local Plan Review.

Councillor Baines explained he had attempted to ask a question at the Rural Consultation event, but was unable as he wished to clarify the proposal for 95 dwellings in Shaw & Whitley which was an increase on current housing levels of 17.5% when there were no facilities to cope with the increase in the population.

Councillor Pafford asked how the figures proposed for Shaw & Whitley given they were classed together as a large village fitted with Berryfield which was classed as a small village given planning permission had recently been given for 144 dwellings in Berryfield adjacent to another site for a similar number of dwellings.

It was noted both sites had been given permission, due to the lack of 5-year land supply, which ordinarily they would not have been.

317/20

Strategic Planning Committee Meeting – 27 January 2021

Members noted with disappointment the application for 144 dwellings (20/01938 OUT) on land at Semington Road had been given planning permission at the Strategic Planning Committee meeting at Wiltshire Council on 27 January, by a slim margin of 6 votes to 5.

Councillor Pafford thanked the Clerk for the comprehensive document produced which was spoken to at the meeting.

The Clerk expressed frustration that the Parish Council only had 4 minutes to speak to the application and suggested that as a policy, in future those on the Strategic Planning Committee be emailed any comments from the Parish Council prior to the meeting.

The Clerk explained that following the meeting she had written to Wiltshire Council with various queries to which a response had been received and felt there was an opportunity now to go to developer to discuss various issues such as connectivity of the site, a contribution to Berryfield Village Hall and road layout before revised plans were submitted.

Recommendation: To arrange a meeting with the developers.

318/20

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

a) To note update on ongoing and new S106 Agreements

i) Public Art Update

- Pathfinder Place

The Clerk stated a decision needed to be made on the size of the Officer/Street name information board, with a suggestion of 800mm x 800mm from the artist.

It was asked if Members wished photos be provided of the relevant officers to add to the noticeboards or just a write up.

Recommendation: The frame be 800mm x 800 and names and brief relevance to RAF be included.

- Bowood View

The Clerk explained herself, along with Councillor Wood had met with the artist Kerry Lemon, the Village Hall architect, Wiltshire Council and Diana Hatton, Art Consultant to agree a framework for the contract between Wiltshire Council and the artist and also raised with the artist to advise an insurance replacement value for the piece of art.

- Sandridge Place

No update to note.

ii) To note legal power relating to public art

The Clerk explained investigations were still taking place on the relevant power associated with public art, an update would be provided at a future meeting.

b) To consider any new S106 queries

The Clerk explained Councillor Glover had looked into the Section 106 Agreement for Pathfinder Place and raised a few queries as it appears various things had not been completed despite reaching various trigger points in the development process.

The Clerk explained these would be forwarded to the relevant Wiltshire Council officer to investigate.

c) To note any S106 decisions made under delegated powers

None.

d) To note any contact with developers

The Clerk explained she had made a response to Savills regarding the Whitley Farm site, from the Neighbourhood Plan group, following their meeting with the parish council in December; and would bring the response to note at the next Planning Committee.

319/20

To conduct live testing of Wiltshire Council's new planning system (as parish council are part of user testing group panel)

The Clerk having been invited to join a user testing panel for the new planning system, gave a brief overview of the new system and its merits and stated she was pleased that officers at Wiltshire Council seemed to take on board feedback received from test group members in order to enhance the system.

Meeting closed at 9.13pm

Signed:.....
Chairman, Full Council meeting
1 March 2021