

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday 5 September 2022 at Melksham Without Parish Council
Offices (First Floor), Melksham Community Campus, Market Place,
Melksham, SN12 6ES at 7.00pm**

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

Officers: Teresa Strange, Clerk and Lorraine McRandle, Parish Officer

In attendance: Councillor Nick Holder (Bowerhill)
Clive Merritt, Council's IT Consultant

161/22 Welcome, Announcements & Housekeeping

Councillor Baines welcomed everyone to the first meeting of the parish council to be held at the Campus and subsequently went through the fire procedures and reminded those present the meeting was being recorded to aid the preparation of the minutes, the recording of the meeting would also be uploaded to YouTube be deleted once the minutes were approved. The recording would also

Those present were reminded if attending via Zoom the Chat facility would be visible during the recording of the meeting and therefore to be mindful of what is included in any conversation.

Council Baines stated it appeared the Appeal site on Semington Road (Townsend Farm) had been sold to a housing association and therefore would be 100% affordable housing.

Councillor Baines explained following Wiltshire Council announcing they would be replacing the real time information (RTI) systems on 188 of its bus shelters across the County the Clerk had written a robust response expressing the parish council's disappointment, particularly as the council had requested real time information capabilities for bus shelters in the parish for several years to be informed this would not be possible. The parish council were also not included in the bid for RTI either which was frustrating.

It was noted the council had asked for RTI at Pathfinder Place and Wiltshire Council which the developers had agreed, but it had not been supported by Wiltshire Council as there were none elsewhere in the Melksham area.

162/22 To receive Apologies and approval of reasons given

Apologies were received from Councillors Richard Wood who was away and Terry Chivers who was in hospital. Councillor Baines therefore Chaired the meeting as Councillor Wood was absent.

Resolved: To approve and accept the reasons for apology and pass on the Council's best wishes to Councillor Chivers.

163/22 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 received.

c) 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.

164/22 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 consideration in closed session.

165/22 Public Participation

Wiltshire Councillor Holder was invited by Councillor Baines to speak to the meeting and Standing Orders suspended.

Councillor Holder provided an update on the Pathfinder Place development at Bowerhill explaining he had had further discussions with the two residents who had attended a previous meeting to discuss various issues on Pathfinder Place. He had advised the residents that they establish a Residents Association in order to liaise effectively with the management company (Remus), as a lot of issues raised were outside the remit of Wiltshire Council and the Parish Council.

Councillor Holder explained a representative of Remus had contacted him to invite him to a meeting on site on 14 September, but had declined the offer, as he felt it was not appropriate for him to attend, particularly, as he was not a resident of Pathfinder Place and had put the representative in touch with residents who had contacted him regarding issues on the development.

Councillor Holder explained the sewage/drainage issue on the

development had been raised again with him by the same resident who attended a previous meeting with him suggesting they take their concerns directly up with Taylor Wimpey via their solicitor as it was not something either he or the parish council could assist with.

With regard to the pedestrian crossings, Councillor Holder explained he had been on site over the last few days along with Councillor Pafford and was pleased to say just about to the deadline, 4 temporary pedestrian crossings had been installed for that morning. However, the crossing near Mallory Place had not been installed but had been informed this had been rectified and one subsequently installed.

Councillor Holder explained, unfortunately, some of the lights on Pathfinder Way had issues with phasing, with contractors already having investigated and coming back that evening to hopefully rectify the issue.

Regarding the temporary crossing on Spa Road near the Bloor Homes development Councillor Holder explained this appeared to be functioning well, given the concerns of several hundreds of children who would be using this route to access Melksham Oak, in particular, and local primary schools.

Councillor Holder explained he had had a 'phonecall with a Taylor Wimpey Engineer who had stated Siemens had indicated the 4 permanent crossings would be operational by Friday the following week without remote monitoring, but this could be installed at a later date without affecting functionality of the crossings and once complete, the temporary traffic lights would be removed.

With regard to street lighting, Councillor Holder explained this would be commissioned when the old lights were decommissioned, the focus in the short term had been in getting the crossings working effectively. Regarding the missing fence rails near the crossing over the A365 at the end of Newall Road, these had now been installed.

Councillor Holder explained he had contacted the Managing Director of Taylor Wimpey having had conversations with the Leader of the Council as well as the Cabinet Member for Planning and informed him that Wiltshire Council had opened a further enforcement file relating to this development and hoped enforcement action would be taken.

Councillor Baines informed Councillor Holder that since the last meeting when residents had raised a concern at the level of anti-social behaviour on Pathfinder Place, the Police had been contacted and their response was later on in the agenda.

Standing Orders were reinstated and the meeting was opened up to Members to ask questions of Councillor Holder.

Councillor Glover asked if Enforcement had been given guidance that if

they had taken action prior to first occupation, we would not be in this position.

Councillor Holder explained he had not spoken to the Enforcement Officer as yet, but was waiting a response. It was understood the Section 106 legal agreement stated the 5 pedestrian crossings were to be installed before construction started and felt there was a general acceptance within Wiltshire Council that the quality of Section 106 Agreements have been lacking in detail and substance, which had made it difficult to enforce fully and understood the Clerk had arranged a meeting with the Cabinet Member for Planning on this issue. There was a general view going forward in Wiltshire for a strong set of guidance notes on how Section 106s were written, in order breaches can be enforced more readily.

Councillor Baines explained in the past that there had been inconsistency between various Section 106s relating to developments in the parish which had been frustrating.

Councillor Holder noted whilst previously being a Councillor on Melksham Without Parish Council that it had been incumbent upon the Clerk to check if triggers in Section 106s were met.

The Clerk asked Councillor Holder to mention the other outstanding items when speaking to the enforcement team as it was not just the pedestrian crossings, but the play area had not been finished and the public art installation was very late.

Councillor Holder explained he had a list of 10 items to raise with the Enforcement Officer which included those raised by the Clerk.

Councillor Baines noted the access road, which was only supposed to be open during construction, was still not blocked off permanently, as agreed with only some heras fencing installed at present.

Having attended various site meetings, the Clerk explained this access should have been blocked off by bollards and Taylor Wimpey had been reminded of this by the Highways Officer.

166/22 To consider the following Planning Applications:

[PL/2022/05895](#): Woolmore Farm Buildings, Bowerhill. Variation of condition 2 of 20/01539/FUL (Redevelopment of redundant farm buildings to provide B1 employment space, involving change of use of existing agricultural buildings, plus erection of new build B1 offices, together with demolition, construction of a new access with associated parking, landscaping and ancillary works) to facilitate a redesign of Unit 5.

Comments: Whilst the Parish Council have no objection to this application, they ask what pedestrian access is available through the industrial units to the proposed dwelling.

[PL/2022/05928](#): Mavern House, Corsham Road, Shaw. Proposed extension to the boiler room.

Comments: No objection.

[PL/2022/06152](#): 93 Corsham Road, Whitley. Two storey side extension to provide a garage with bedrooms above.

Comments: No objection.

[PL/2022/06187](#): Land East of Forest Lane, Lacock. Full planning application for an agricultural worker's dwelling (alternative location and design to dwelling approved under 18/04805/OUT and 19/11059/REM).

Comments: No objection, as long as the agricultural tie to the dwelling is maintained.

[PL/2022/06195](#): Fields East of Beanacre. Removal of 4 x 10m sections of hedgerow to facilitate installation of a new rising main to connect properties on Westlands Lane and The Laurels to the existing sewerage network that are currently served by septic tanks and private package treatment plants. Applicant Wessex Water (Hedgerow Removal Notice)

Comments: No objection.

[PL/2022/01864](#): Blackmore Farm. To note response from Wiltshire Council re Scoping Opinion

The Clerk explained whilst using Wiltshire Council's Planning Portal to check details for another planning application, the Parish Officer had noted something had been listed against Blackmore Farm and upon investigation, appears the developers had requested a scoping opinion, which had been produced by David Cox, Senior Planning Officer, Central Planning Team. His response had been circulated to Members of the committee, along with a response from a Spatial Planning Officer on why a scoping opinion had been requested and the implications of this.

The Spatial Planning Officer had clarified the applicant had asked for a scoping opinion for the Environmental

Impact Assessment (EIA), as given the size of the site and proposed number of dwellings (650) they would have to submit an Environmental Statement with any future planning application that meets the EIA (Environmental Impact Assessment) regulations.

Councillor Baines drew the committee's attention to the comments of David Cox with regard to access and noted the Parish Council had also stated at pre-app stage the developers needed to access their site via Eastern Way.

David Cox had stated:

'One issue I would particularly note at this stage is despite the large size of the potential development (up to 650 dwellings, a primary school and commercial hub) that you are not proposing to include the land to the East of Eastern Way as a means of access. Eastern Way is a bypass that has been (presumably designed to accommodate future growth on the Eastern side of Melksham) and has also included a roundabout with anticipated access to go further to the East directly towards your site. Your site is only approximately 70m from this access and it seems odd that this would not be included as a potential access route. I appreciate that there could be land ownership issues but if you proposed to have a sole access from Sandridge Road, this could have highways impacts; specifically cumulative traffic impacts on Sandridge Common.

Furthermore, the access would likely have to be at the North Eastern part of the site as I assume Blackmore Farm will be retained and Nos 228-294 Sandridge are not in the scoping opinion boundary or your applicant's control. This would require all traffic to drive a fair distance up Sandridge Common to be able to access the site. Additionally, with Lopes Close, the space for an access is quite limited and could be complicated by the overhead power lines.'

Councillor Baines noted any proposed access via Sandridge Road could also be affected by the proposed A350 Bypass.

Councillor Baines also noted the scoping opinion had mentioned the presence of Great Crested Newts.

It was noted under the paragraph relating to Conservation and Heritage there appeared to be part of a sentence missing, but could be explained later in the report, where

it stated ‘...impact on assets to the East on rising land of Sandridge, including the Sandridge Park estate and Sandridge Tower.’

Councillor Glover noted the Environment Agency had updated their climate change guidance for peak rainfall intensity in May 2022, and now included climate change allowances on the 1 in 30-year events in addition to the 1 in 100-year events.

167/22 Revised Plans To comment on any revised plans received within the required timeframe (14 days)

None received.

168/22 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

The Clerk explained apart from issues relating to Pathfinder Place and Bowood View the only outstanding issue related to the New Inn, which had been extended without planning permission, but was still awaiting a response from Enforcement on this.

169/22 Planning Policy

a) Neighbourhood Planning

i) To note minutes of Steering Group meeting held on 29 June

Whilst Members noted the minutes, apologies were made for the delay in producing them.

Councillor Pafford stated whilst Town Councillor Hubbard had put himself forward as Chair of the Neighbourhood Plan Steering Group, he understood Town Councillor Cooke had subsequently formally proposed him as Chair.

It was agreed the recording would be checked for accuracy of the minutes, which were currently in draft form.

With regards to the Terms of Reference for the Steering Group, the Clerk reminded the committee these had been discussed at Full Council and a recommendation made that the ‘dual hatted’ element for representatives on organisations remain which was different than agreed at the Steering Group meeting and therefore had let the Town Council know in order for their Members to consider.

The Clerk informed the meeting that the next Steering Group meeting was due to be held on 28th September, however,

Councillor Glover would be away and therefore a substitute would need to be organised out of Councillors Baines and Councillor Wood, with Councillor Baines agreeing to attend as first substitute.

ii) **To consider a recommendation to Full Council for additional funding to help facilitate the Neighbourhood Plan Review (Landscape Gap work)**

Councillor Baines reminded the committee information had been provided by Vaughan Thompson, Place Studio, which indicated the costs associated with undertaking a robust green gap analysis to withstand scrutiny by an examiner, would be in the region of £3,000 to £4,000, which was more expensive than first thought.

Councillor Baines felt in order to have a sound policy to withstand scrutiny, a robust policy was required and therefore would have to pay the going rate for such a policy.

The Clerk stated AECOM had confirmed producing such a policy was beyond the scope of the work they had been tasked to do, therefore had suggested they would go back to Locality who provide grant funding to Neighbourhood Plan groups to see if this could be added to their scope of work and have more funding. If this cannot be done, they have been asked to provide a quote in order comparisons can be made between other quotes which will be sourced.

The Clerk explained AECOM's quote could be cheaper, as they had already done some of the work, which had been included in their current scope of work. However, their commercial rate would be higher what they charge when undertaking Locality funded work.

Councillor Baines reiterated it was important a Landscape Gap Policy was included in the Neighbourhood Plan, particularly as the Inspector on the Townsend Farm Appeal had pointed out the lack of such a policy in the current Neighbourhood Plan in highlighting important landscape gaps in the neighbourhood plan area.

Recommendation: To ask Full Council to allocate funding (30%) associated with undertaking Landscape Gap work and to authorise the Steering Group to appoint a consultant to undertake this work. Funding to come from the Contingency reserve or Community Infrastructure Levy (CIL) contributions.

iii) **Update on the Neighbourhood Plan Review**

The Clerk explained the various task groups had met recently, such as Green Spaces, who were looking through approximately 280 nominations. With regard to Heritage Assets, only 12 were put forward. In terms of the Town Centre Master Plan, a lot of work had been undertaken on this, in order to get the brief right. The Clerk explained there was a concern there was a bit of duplication of work between the work Wiltshire Council were doing with their newly vacant assets with the Town Council and therefore a meeting was due later that week to discuss this.

With regard to Design Guides, this work was being undertaken by the same person undertaking the Town Centre Master plan.

The Clerk explained the Housing Needs Assessment work had been completed and following discussions it had been agreed this would be released as part of the Regulation 14 consultation, as part of the evidence base.

With regard to housing site allocations, the Clerk explained approximately 90 sites had come forward, however, the group were awaiting methodology on how to assess these sites and adding any town centre regeneration opportunities. Looking firstly at brownfield opportunity sites, those within the settlement boundary and those sites next to the settlement boundary or close to a big strategic site. However, at present, it was not clear where these will be, as Wiltshire Council were currently undertaking a Local Plan review and would be allocating a strategic site or sites in due course.

The Clerk noted the Local Plan Review would not now be available until Quarter One 2023.

With regard to the other Task Groups, the Clerk explained the Environment Group had also met, with the Canal Task Group still to meet. The Bypass task group had already met and had an update on the proposed A350 Bypass from a representative of the Major Highways Project Team.

With regard to the A350 Bypass the Clerk explained she had contacted Highways England to seek an update on when the M4 to Dorset Coast Study would be released, as on their website it still stated July 2022 and we were now in September.

Councillor Harris stated he understood this report would not be available until Spring 2023.

It was noted the report would be outside the Neighbourhood Plan timeline if not published until Spring 2023, however Place's advice was to limit what was said about the provision of a Bypass but to include general information on the Bypass in the plan.

Councillor Harris stated that with regard to the Heritage Task Group they had met and he had gone through the various sites put forward and written a report, the group were due to meet again and Lisa Ellis would also be attending to provide her input given her knowledge on local heritage.

- b) To note RTPI report on Rural Planning in the 2020s.** Deferred from previous meeting <https://www.rtpi.org.uk/ruralplanning>

Members agreed to note this report.

- c) Homes4Wiltshire. To note update from Wiltshire Council.**

It was noted Wiltshire Council proposed to change the way people applied to join its social housing register, in order that residents receive the right advice and support at the earliest stage and manage demand. Therefore, Housing Officers would be available to answer calls to assist need before people applied to join the housing list rather than apply to find they are not eligible.

Members welcomed the report but raised a concern at whether there was enough Housing Officers to cope with the demand.

Recommendation: To write to Councillor Alford, Cabinet Member for Housing at Wiltshire Council to ask if there were enough Housing Officers available to cope with the level of enquiries from members of the public.

170/22 S106 Agreements and Developer meetings: (Standing Item)

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

- i) Hunters Wood/The Acorns: Update on Footpath to rear of Melksham Oak School, Community Centre and pedestrian safety during roundabout roadworks**

The Clerk explained there was no further update on the footpath to the rear of Melksham Oak School, despite a hope there would have been some reaction to recent correspondence, particularly from Councillor Sankey, Ward Member for Melksham East.

With regard to the community centre, the Clerk explained the Town Council had recently appointed David Sharp, Architect to

draw up plans for submission to Wiltshire Council. Following concerns from Highways at the proposed access to the centre, it was understood access was now being proposed via the development, rather than straight off the main road at the roundabout.

With regard to pedestrian safety, whilst road construction onto Spa Road was taking place, Members noted temporary crossings were to be installed, following concerns raised by Highways. It was noted there were several Rights of Way affected by the diversion, with people being directed via a safe route from Campion Drive over Spa Road (west of the roundabout) and through the roadworks to access Bowerhill.

Councillor Pafford explained he had made a site visit that morning and whilst everything appeared to be working well, there was supposed to be someone marshalling the current crossing from Campion Drive over Spa Road, advising people of the alternative route. However, no one appeared to be there when he visited, but would check again the following day.

ii) Bowood View:

- **To receive update on village hall, public art, play area, bins, management company and residents forming group.**

The Clerk explained as of that morning, Rigg Construction had handed over the site to the Parish Council with a hand over site meeting taking place. It was noted that unfortunately the operable wall had a few teething issues, but this was being investigated. The audio equipment had also been tested, with the Clerk confirming if music is played too loudly, it automatically switches off when it reaches a certain decibel.

The Clerk also confirmed the building had been insured and the Caretaker and Allotment Warden would be undertaking regular checks of the building, including fire alarm and other safety checks. Radcliffe Fire Safety had recently undertaken a Fire Risk Assessment.

The public art and interpretation boards had also been installed. The artist, Kerry Lemon was due to visit shortly and an article would appear in the next issue of Melksham News, which was now being delivered to Bowood View. Wiltshire Council had been informed they could now release the funding for the public art, which they had been holding.

The Clerk stated a meeting would be taken place later in the week of those people interested in joining the committee, the meeting would also discuss issues such as any additional signage required and it was hoped after the meeting a list of trustees could be drawn up.

The Clerk informed the meeting a Residents Action Group had also been formed to liaise with the management company and Bellway. The Clerk had explained to the Residents Group, whilst the parish council could support them and assist wherever possible, that it would not be appropriate for them to join the group.

It was noted confirmation had been received that the management company would be emptying the bin inside the play area, even once it had been handed over to the parish council. Councillor Glover expressed concern in the parish council taking on the play area until it was up to a suitable standard.

Councillor Baines also expressed caution in the parish council taking on the play area, until all outstanding concerns had been rectified, not least the safety surfacing had been re-laid to go under the fencing, as per the Davey Play area at Pathfinder Place, Bowerhill.

The Clerk noted Bellway had responded to the play area concerns by stating they were working to a signed off drawing, therefore she had asked for a copy of the drawing the council had signed off on, as proof, and was awaiting a response.

The clerk explained a site visit with the Section 106 Officer had been arranged, with the visit starting with Pathfinder Place first to show as an example of the standard to which the Bowood View play area should look like.

- **To consider hedgerow to boundary of village hall**

The Clerk explained having previously said no to hedge treatment adjacent to the car park, following a site visit earlier that day, it was felt that in order to stop vehicles using the grassed area as an overflow car park some form of boundary treatment, such as hedging, needed to be planted. Bellway were happy to take this forward, it was already a planning requirement that they install the hedge here, and had requested a marked-up drawing.

Recommendation: To request hedging be planted adjacent to the car park, to stop vehicles overflowing onto the grassed area.

- **To consider offer of new path through play area**

Members noted Bellway had offered to replace the gravel/hoggin path which keeps overspilling into the play area with a tarmac one; as a goodwill gesture.

Whilst members were happy to accept the offer, felt Bellway should be made aware, in accepting their offer, this did not get them 'off the hook' with other issues concerning the play area.

Recommendation: To accept the offer from Bellway to replace the gravel path in the play area with a tarmac one and to remind them of the outstanding issues which still need to be resolved with regard to the play area.

iii) Pathfinder Way:

- **To receive update on Play Area, Safe walking routes to school, Public Art, School, replanting**

The Clerk explained the outstanding work on the play area gate had been done, new signage installed and the wooden barrier replaced with a galvanised metal one, as originally requested opposite one of the gates to the play area.

With regard to the signage, the Clerk explained What3Words had been included in the sign, but noted having signed off the signs some two years before, the council's email address was the old address is co.uk, rather than gov.uk. It was confirmed by the Council's IT consultant the old co.uk address would automatically transfer to gov.uk address.

Members had been sent various correspondence from Councillor Holder and Taylor Wimpey providing updates on outstanding issues regarding the development, such as replacing the bench which had been removed to accommodate the development, tree planting which would take place in Autumn/Winter and improvements to the bus shelters.

The Clerk explained the Council's noticeboard had been installed and would be used shortly, but needed to be lowered.

Councillor Harris queried whether the proposal from Taylor Wimpey to repaint the delaminated sections of the bus shelters was correct.

The Clerk stated Andy Thompson, Highway Technician had previously asked for these to be replaced, as he was not happy with their quality and therefore would chase this up.

Recommendation: The Clerk to seek clarification on proposals for the bus shelters on Pathfinder Way.

- **To note response from Melksham Police regarding anti-social behaviour reports on Pathfinder Place.**

Members noted correspondence from Sgt Twyford. stating whilst the Police were having to spent a bit of time at the estate, it was not disproportionately more than any small development and did not stand out as a 'hotspot'.

It was hoped following Police intervention with particular individuals this situation should change.

- **To note update from Councillor Nick Holder on timeline for the proposed new primary school**

Members noted the proposed timeline for the provision of the new primary school on Pathfinder Place.

The Clerk informed the meeting it was understood the transfer of the land from Taylor Wimpey to Wiltshire Council had not taken place as yet. It was noted that the 10 years' from when land was set aside for particular infrastructure, such as a school and then not built, thus enabling it to be used for additional housing, only started when the transfer had taken place and not from when the development started, which was good news.

- **To note update on commissioning of the pedestrian crossings and lights**

An update on the commissioning of the pedestrian crossings and lights had been provided by Councillor Holder earlier in the meeting.

It was noted Julie Cleave, Highways Development Control Engineer had written robust correspondence to Taylor Wimpey regarding their slow progress in getting the pedestrian crossings operational, approved speed signage erected and other highway improvements.

iv) Playing Fields. To consider additional playing field provision requested as part of community gain associated with new developments

The Clerk explained she was reporting back to the Committee following a conversation she had had with Danny Geeson, Sports Development Officer, following a phone call the previous week regarding Section 106 contributions towards playing field improvements/provision in relation to the planning applications for 150 dwellings North of Dunch Lane PL/2021/05391 and 144 dwellings on Semington Road PL/2022/02749.

As a decision had to be made quickly, in order he could submit his report, in relation to the Semington Road development he had suggested a contribution towards Bowerhill Sports Field, as this was closest to the development. The Clerk had welcomed this, as the parish council had several improvements they wished to make to the sports field, such as the provision of outdoor gym equipment for example.

With regard to the Dunch Lane planning application a suggestion had been made for a contribution to cover Shaw playing field and/or the field next to St Barnabas Church, which was being used as a community field and understood it was currently being used by a local cricket club. It was noted half of the development site was in the town, however, there were no other designated playing fields near the site.

The Clerk stated going forward the council needed to bear in mind playing field contributions when discussing plans at pre app stage.

The Clerk explained during discussions she had mentioned the provision of 3G pitches (as requested by Future of Football), to which Danny Geeson had responded to say Wiltshire Council would not support one at Bowerhill Sports Field for example, as Wiltshire Council's position on Melksham was for such provision to be at Melksham Oak School or Oakfields Football & Rugby facilities, as such pitches need the maximum use.

The Clerk informed the meeting that Danny had explained that as part of the Local Plan review that Wiltshire Council would be looking at undertaking a review of playing field and allotment provision, as well as other leisure provision and therefore it was important for the Council to look at and comment on this in order that such provision can be included in future Section 106 Agreements.

Councillor Harris asked if the monies for playing field provision for Bowerhill Sports field could be used to purchase the additional piece of land adjacent to the sports field, to which the Clerk responded it could possibly be used for this if it became available and explained that they were already in discussion with the landowners.

Councillor Glover stated with regard to future proposals for 650 houses on Blackmore Farm it was important to ask for playing fields to be incorporated within the development.

The Clerk suggested the Parish Council ask for this now, as the developers were already at pre app stage with Wiltshire Council.

Recommendation: To approve the suggestions put forward for playing field contributions as part of Section 106 Agreements for 150 dwellings on Dunch Lane PL/2021/05391 and 144 dwellings on Semington Road PL/2022/02749.

To inform Wiltshire Council if proposals for 650 dwellings Blackmore Farm site are submitted the Council request playing field provision is included within the development.

b) To note any S106 decisions made under delegated powers

None.

c) Contact with developers

(i) Semington Road. Application for 144 dwellings (PL/2022/02749).

- Feedback following meeting with David Wilson (BDW) Homes
Re proposed revised plans

The notes from the meeting held on 16 August with David Wilson Homes (BDW) were circulated to members at the meeting in line with the council's policy on meetings with developers and feeding back to the next available Planning Committee:

Those in attendance at the meeting on 16 August included from Melksham Without Parish Council: Councillor John Glover; Councillor David Pafford; Councillor Richard Wood who chaired the meeting; Councillor Mark Harris; Teresa Strange (Clerk); Lorraine McRandle. Also in attendance were Wiltshire Councillor Jonathon Seed. From the Town Council: Councillor Graham Ellis and Linda Roberts (Town Clerk) and from David Wilson Homes (BDW) Cecelia Hughes and Mark Powell.

Mark Powell explained that the fundamentals of the scheme were laid out at outline stage, such as access, structure, public open spaces and drainage. However, Wiltshire Council had picked up the lack of housing mix and distribution in the scheme and therefore it was proposed to change the housing mix in the revised scheme as follows:

Open Market Housing

| Current | Revised |
|--------------------|--------------------|
| No 2 beds proposed | No 2 beds proposed |
| 10 x 3 beds | 23 x 3 beds |
| 80 x 4 beds | 62 x 4 beds |
| 11 x 5 beds | 16 x 5 beds |
| Total 101 | Total 101 |

Wiltshire Council's Housing Officer had commented on the types of affordable housing required in the area and therefore, this had also been changed as follows:

Affordable

| Current | Revised |
|------------------------|-----------------------|
| 12 x 1 bed maisonettes | 8 x 1 bed maisonettes |
| 15 x 2 beds | 19 x 2 beds |
| 14 x 3 beds | 14 x 3 beds |
| 2 x 4 beds | 2 x 4 beds |
| Total 43 | Total 43 |

144 dwellings are still proposed in total, with 3 bed dwellings being distributed more evenly throughout the scheme.

Some of the cul de sac arrangements have also been changed following comments received from both the Urban Design Officer at Wiltshire Council and the parish council, with the introduction of a looped road system on part of the site to enable larger vehicles, such as emergency vehicles and refuse lorries, to manoeuvre more easily around the development.

Due to existing services, the size and position of SUDs basins has also been changed.

Members of the parish council felt the housing market mix still did not reflect the comments made in the Urban Design Officer's report or what is in the Strategic Housing Market Assessment (SHMA), which predominantly seeks 2 and 3 bed housing. The Core Strategy (Core Policy 45) states the preferred level of housing mix should be adhered to, which is detailed in the SHMA.

Councillor Pafford asked if the size of plots for affordable homes had been increased to provide more garden space.

Mark Powell explained the provision of gardens was relative to the size of dwelling, with affordable housing being provided with adequate gardens.

Councillor Harris raised a concern that affordable housing was bunched up, which was not what the parish council had requested; requesting that it should be tenant blind in line with the Core Strategy policies.

Mark Powell confirmed affordable housing would be provided in groups throughout the scheme, which was a requirement in the s106 Agreement and defined as clustering and is easier to manage by social housing providers. Affordable housing used to be scattered in smaller numbers throughout a scheme, however, current thinking on development has moved away from this.

With regard to access to Shails Lane, Cecelia noted from residents at a recent meeting that it was important that there was no access on to Shails Lane from the development given it is a private lane, which is fully appreciated. Therefore, access will be restricted using a boundary treatment, still be discussed, but would be sturdy and reasonably attractive (possibly hedge and fencing).

The MWPC Clerk explained there are several issues with Shails Lane, one was access from the development into Shails Lane, which is currently used by dog walkers and fly tippers to access the field and therefore there is a need to deter people using it and the other issue is stopping people getting in to Shails Lane itself and then over the A350 to Bowerhill.

Ceceilia stated she understood there was a condition within the planning permission to put some form of barrier stopping residents accessing the A350 from the development but was not sure this would go across to Shails Lane, particularly as the land in question was not in their ownership, but Highway Land and therefore, cannot do anything about it.

It was noted dog walkers will be deterred from using Shails Lane once the site is developed and access from Shails Lane is cut off.

Wiltshire Councillor Seed asked if there were any proposals for access from the development to the new village hall in Bowood View (north of the site), which would prevent people coming out of the development, along a main road, and then back in again and would require a footbridge to be installed. This would provide an easy link to an important community facility.

It was confirmed the parish council had asked for this at both pre app, outline and reserved matters stages of the application.

Cecelia explained this request had been taken on board but stated that legally they did not have the right to make any connection over the water course as this was equivalent to trespass.

Councillor Seed expressed frustration at this comment and stated any issue with regard to rights of access could be resolved via discussions with the Public Rights of Way and Planning Officers at Wiltshire Council and should not be used as an excuse not to provide a link to an important community facility.

Councillor Seed stated he would raise this when the application went to committee, having 'called in' the application and felt a footbridge would not be a difficult or an expensive thing to provide, particularly at construction stage and felt Bellway (Bowood View) would also be keen to assist with this matter.

It was noted connectivity to existing development was included as a policy in both the National Planning Policy Framework (NPPF) and Wiltshire Council's Local Plan (Core Strategy).

Mark Powell asked who had control of the land in question.

It was stated it was understood the land would be in Bellway's ownership, however, they were in the process of handing over the site to their management company. Under riparian ownership presumably both Bellway and BDW had ownership from their respective sites to the middle of the brook.

Mark Powell asked if Bellway had also been asked to provide access from their development over the brook.

Councillor Wood stated at the time the council were commenting on the plans for the Bowood View development, the Council had not been aware of proposals for any development south of their site and therefore had not made reference to the provision of a footbridge in order to provide connectivity between developments.

Councillor Wood explained people travelling by foot from the proposed new development to access the village hall would have to negotiate a road being used by tankers to access the sewage works, therefore it made sense to provide access via a footbridge from the development to Bowood View.

Councillor Wood sought a commitment that BDW Homes would investigate the provision of a footbridge, with Mark Powell confirming this will be looked at.

The MWPC Clerk stated that this application had only been given approval due to Wiltshire Council having a lack of 5-year land supply and noted that at outline stage it had been stated that this site was sustainable due Bowood View being adjacent. Therefore, having used that argument, it made logical sense to access the village hall via the most sustainable means, which was via a footbridge.

Wiltshire Councillor Seed stated the provision of a footway could be conditioned, if necessary, as part of any planning approval and would be more expensive than providing a wooden footbridge.

Mark Powell sought clarification why the footbridge was not included in the outline plan.

Councillor Seed explained this was the problem with outline being sold on to developers prior to reserved matters and things being requested being missed.

Cecelia asked for confirmation of what the arrangements were with regard to the village hall.

The MWPC Clerk confirmed the village hall land had been transferred to the parish council, who had built the hall with £500,000 s106 funding from the Bowood View development, Bellway could have built it, but had pulled out at the last minute. The parish council had always planned for the Community Infrastructure Levy (CIL) receipts from this development being used to pay for the loan taken out to make up the £300,000 shortfall in the build costs. However, the open space areas will be managed by the Bowood View management company

The Clerk explained that in their comments to Wiltshire Council for the current application the parish council had asked, as part of community gain from this development, for a contribution towards a battery for the village hall solar panels and costs associated with obtaining the patio area adjacent to the hall and hoped BDW had seen these comments.

Councillor Glover explained part of the site design meant that some of the development was still closed off, with circulation around the site still a concern of the council, as well as the Urban Design Officer, there was no circulation to enable easier manoeuvrability for refuse lorries for example.

Mark Powell explained this was not possible and would require making the highway wider and brighter lit and from an ecology point of view was difficult in having to be sensitive to these issues in designing the layout. Some of the road layout was private drives, if a road was put in this would have to be to an adoptable standard by the Highways Authority, which would mean having to put in additional lighting.

Councillor Glover raised a concern that the bin collection points were located near private driveways and therefore refuse lorries would have to reverse into private drives to make manoeuvring easier.

Concern was expressed that there needed to be enough space for two bins to be collected from the bin stores given some weeks two bins can be collected in any one day.

Mark Powell stated the size of the bin stores would be calculated to what the requirements of Wiltshire Council are.

Councillor Wood noted there were proposals for a large green space North of the site, near the sewage works and sought clarification how this would be treated.

Mark Powell stated that due to archaeology in the area, it would be difficult to plant a lot of trees, however there would be some, however, the landscaping scheme was yet to be completed as part of the revised plans. There would be a wildflower element to this area with mown paths.

It was confirmed the parish council were keen to see circular paths and provision of benches on all new developments.

The MWPC Clerk asked where the cycleway would be provided as requested by the Urban Design Officer, particularly as Semington Road had been designed a National Cycleway and is part of the Melksham to Hilperton Active Travel route with various improvements having been made along Semington Road and the crossing over the A350 as part of this scheme.

Mark Powell explained there was no provision for a dedicated 3m cycleway, with the road already having detailed consent. The scheme is already designed as a 20mph road and therefore there is no need to provide a dedicated cycleway.

The MWPC Clerk explained the Urban Design Officer had commented on no gaps/space between houses and the road, particularly outside the affordable housing and everything appeared narrow with no easy pedestrian access and no delineation of shared spaces.

Mark Powell explained he was unclear as to why this comment had been made by the officer and felt there was good connectivity throughout the site.

It was noted people would have to walk through a parking area to get to the LEAP (Local Equipped Area of Play) from part of the site where affordable housing was located.

The MWPC Clerk stated that the parish council had previously commented that the LEAP was isolated, whereas on the adjacent development (Bowood View) it was overlooked by housing, therefore, there was an element of surveillance/security but far enough away not to disturb residents.

Mark Powell explained that there was housing overlooking the play area, however, it was pointed out it was not next to affordable housing, which would more than likely use it, given they would have smaller gardens.

The MWPC Clerk enquired whether there would be any green space for children to kick a ball, given a lot of the green space would be unmown wildflower areas.

The MWPC Clerk explained the parish council would be where residents would go to complain if there is no provision for such activities and council's do not have sight of grass cutting schedules to ascertain what the cutting regime will be in order to know if grass would be cut to a level to allow children to play informal games.

Cecelia explained any maintenance plans for public open spaces were submitted to the local authority for approval to make sure areas are managed appropriately. Members asked if the Council could have a copy of the document.

Cecelia explained this was available within the signed s106 Agreement which was on line.

It was clarified town/parish councils do not have sight of these documents until they are signed and are unable to comment and influence prior to sign off.

The MWPC Clerk explained at pre app, outline and reserved matters stage that there had been provision for a LEAP and the parish council had always indicated they would be interested in taking this on with a management contribution. Whilst there appeared to be provision for a teen shelter in the revised plans, the MUGA, as requested, had disappeared from the plans, as well as the outdoor gym.

Wiltshire Councillor Seed asked why something would have been included at outline stage but taken out at reserved matters.

Cecelia explained when they had purchased the site and reviewed the agreement to see what Wiltshire Council were asking them to provide and when at outline, a lot of public open space is identified and different groups make different requests and when the Public Open Space Officer at the Planning Authority looks at the site, decides what is needed and what is missing from the area and therefore the revised plans reflect what the Public Open Space Officer has decided is missing in the area and what can reasonably be asked for, for a scheme of 144 dwellings for instance.

It was asked if people would be able to walk around the wildflower area. Councillor Wood stated it was very important to provide mowed paths otherwise people would create their own.

It was asked if tree lined avenues would still be in the revised plans. Mark Powell confirmed these would be provided on both sides of the main road of the site and would be highlighted on the landscape plan.

Wiltshire Councillor Seed noted there was a lot of green space provided, but youths would not be able to have access to it, without the provision of a MUGA, and they would need space maybe next to the teen shelter which was highlighted on the plan.

The MWPC Clerk explained in the original plans that allotments to the north of the site had been proposed, however, the parish council had stated as there was already adequate allotment provision in Berryfield the site allocated for allotments could be used to provide a MUGA instead, as the one on the other side of the road would be lost as part of the Wilts & Berks Canal Link proposals.

Wiltshire Councillor Seed expressed concern things asked for at outline stage by the parish council seemed to have disappeared and asked whether this was as a result of falling through the gap when they purchased the land.

Cecelia clarified what Wiltshire Council decided was necessary to be in the scheme was included in the s106.

Wiltshire Councillor Seed stated he would be ascertaining from the senior management team at planning when the MUGA and outdoor gym etc had disappeared from the planning application and expressed frustration again that things often promised and highlighted at outline stage seemed to disappear more often than not later on in the planning process and therefore at committee

would be asking for things to be included on the site as a condition.

Cecelia explained Community Infrastructure Levy (CIL) can be used for some things off the Regulation 123 list and BDW were paying £55 per m² per market value house. However, would investigate what is highlighted in the s106 agreement and make sure it is satisfactory.

Wiltshire Councillor Seed left the meeting at 5.35pm

The MWPC Clerk also informed BDW of the other community gains requested by the parish council at pre app and outline stages, such as improvements to public rights of way in Berryfield which other developers in Semington Road had contributed to.

The MTC Clerk stated it was a shame affordable housing never seemed to be provided with garages and driveways, which made them stand out even more in a development.

Councillor Glover provided examples where social housing did not blend in with other housing on a development and highlighted good examples where affordable housing did blend in more within a development.

Councillor Harris asked why the loop provided could not be around the whole estate rather than the bit in the middle.

Mark stated the access point made this difficult.

It was highlighted that any hedges needed to be well maintained and to a suitable standard and not left to get out of hand, as with other developments.

Assurances were sought how the 20mph speed limit would be enforced, in particular on the spine road section of the development, which was straight.

Cecelia explained that often Highways did not look at a Highway layout until reserved matters stage, towards the end of the planning process, which was frustrating.

Councillor Wood reminded the developers the parish council had already forwarded suggested road names, but wished the main estate spine road to be named Whitworth after the father and son who built the canal; the historic line of the canal runs through the development.

The MWPC Clerk explained historic canal interpretation signs would be installed in the Bowood View estate and asked that

some be included in this development, perhaps as part of the public art scheme.

Members asked when the revised plans would be submitted to Wiltshire Council.

Cecelia explained there was a timeframe in which to submit the reserved matters application as well as when they needed to start on site but did not clarify the timeline. However, it was hoped they would be submitted soon.

Councillor Harris sought assurances that trees are not cut down, unless permission had been granted as highlighted on the landscaping plans, as this causes distress to residents.

The MWPC Clerk asked what mechanism was in place between the developers handing over the site to a management company to ensure that things did not fall through the gaps, such as bin emptying and grass cutting, given experience with other new developments in the parish, where residents have come to the council complaining things are not being done.

The MWPC Clerk explained frustration had been expressed by both the council and residents of new developments when play areas had been installed some time ago and in cases several years ago, but not adopted, because they had not been finished to the relevant standard. Unfortunately, these play areas therefore are not being inspected and safe. The play areas should be installed and adopted prior to a certain number of houses being occupied rather than being left until the end of a build.

Cecelia stated a shadow management company, which included directors from the company, would be responsible for maintenance etc until the site is handed over. Calls will also be made to new residents on a regular basis once they have moved in to make sure they are happy and to deal with any complaints rather than them having to complain to the council.

It was reiterated experience has shown this does not happen in the Melksham area, including the development east of Melksham which was a David Wilson Homes site.

- **To note Councillor Seed has ‘called in’ the planning application.**

Members noted Councillor Seed had ‘called in’ the application.

- **To consider Clerk's update following review of Section 106 & decision notice vs Reserved Matters application and work already taken place on highways**

A report highlighting what had been asked for by the parish council against what was included in the Section 106 Agreement and Decision Notice had been circulated to the committee at the meeting.

The following was noted within the Section 106 Agreement:

Highway Improvements

Pedestrian Safety on A350

- In order to assist in preventing pedestrians from crossing the A350 a 100m anti pedestrian fencing be installed along the A350 Western Side, 70m North and 30m South of Shails Lane parallel to the A350 continually for 100m and a landscaping scheme (alongside the fence to further discourage pedestrians from vandalizing the fence and breaking through it).

It was noted that following the fatality of a pedestrian crossing the A350 at Shails Lane not long after it opened, the Coroner had requested some form of barrier be installed.

Councillor Baines noted at the recent meeting with developers they had stated this was the responsibility of Wiltshire Council, however, as it was included in the Section 106 it was therefore their responsibility to install it.

Councillor Baines stated when meeting with Councillor Botterill it needed to be highlighted that when something has to be done on a particular development before occupation as stated in the Section 106, this should be adhered to and enforced, such as the safety barrier on the A350.

Upgrading of Pedestrian Crossings

- £200,000 had been requested to upgrade the double pelican crossing on the A350 to a double toucan crossing, with associated footway and cycleway improvements and measures to reduce the attractiveness to pedestrians of the pedestrian route on the Western side of the roundabout between Old Semington Road and Melksham

It was noted the upgrade of the pelican crossing on the A350 dual carriageway had already taken place as part of the Hilperton to Melksham Cycle Route improvements via Government funding and therefore it was agreed the Council request these monies be used for highway improvements elsewhere in the parish.

In the Decision Notice it was noted it mentioned improvements to the crossing on Semington Road, however, these improvements have already been made as part of the Hilperton to Melksham Cycle Network funded by the Government.

Provision of Bungalows

It was noted at the recent meeting the developers had stated there would be no provision of bungalows. However, in the Section 106 Agreement it stated there should be provision of two bungalows within the development.

Canal Restoration Contribution

A contribution of £72,000 (£500 x 144 dwellings) was being requested to contribute towards the canal restoration.

Members stated this highlighted another inconsistency in Section 106s, as the Section 106 for the Townsend Farm site, which is closer to the proposed canal route, did not include a contribution towards the restoration of the canal.

Education Funding

A contribution of £297,874.00 was being requested towards early years education provision, as well as £337,644.00 towards primary education, however, however, there was no request for a contribution towards secondary education, however, it was noted this could be because there were sufficient school places available.

The Clerk suggested it may be worth ascertaining from Wiltshire Council if this funding provided the shortfall in funding to build the proposed new primary school at Pathfinder Way.

Primary Healthcare Provision

£137,000 was being requested towards the cost of supporting primary care capacity of the Melksham & Bradford on Avon Primary Care Network.

Members were concerned what and where this funding would

go towards.

Public Art

A total public art contribution of £43,200 (£300 x 144 dwellings) was being requested for public art. The parish council would like to be involved with this project.

Play Area

It was noted there was no mention in the Section 106 of the parish council taking on the play area, with a maintenance contribution, despite requesting this at pre app, outline and reserved matters stages of the planning application.

This again highlighted inconsistencies in Section 106 Agreements as the parish council taking on play areas to their specification was included in some Section 106s and not others.

It was suggested unless play areas met the parish council's specification, they should not be taken on by the council.

It was noted within the Section 106 it stated not to allow more than 80% of the residential units to be occupied until the open space and/or play area had been transferred to the management company.

The Clerk queried whether this had ever happened on any new development within the parish, with all play areas not being handed over to the parish council or a management company until the development was fully occupied.

The Clerk noted with regard to financial contributions most of this had to be handed to Wiltshire Council prior to commencement, however, funding was not often released until the development was virtually completed.

Footbridge connecting proposed development with Bowood View

Councillor Baines informed the meeting that within the Decision Notice under "27 Informative", it mentioned promoting connectivity between developments with a request that prior to submission of a reserved matters application, the possibility of providing a pedestrian/cycle link through to the adjacent housing site to the North should be explored. Councillor Baines also noted Councillor Seed had taken up the issue of connectivity.

Officers had also located a letter from Nexus (agents for outline planning application) to Wiltshire Council at outline stage stating plans included the provision of older children/teenage facilities, such as a gym and teen shelter on the area previously highlighted for allotments and therefore needed to make sure these had been included in the plans at outline, as well as full plan stage.

Recommendation 1: To request the £200,000 requested for highway improvements be used for highway improvements elsewhere in the parish, given the improvements requested have already taken place.

Recommendation 2: To write to Wiltshire Council to ascertain if the £635,518 education funding covers the shortfall required to build the proposed Pathfinder Way primary school.

Recommendation 3: To request from the NHS information on what the £137,000 primary healthcare funding will be contributing towards.

Resolved: For the Clerk to submit comments raised regarding inconsistencies with what is included in the Section 106, Decision Notice and comments made previously by the agent and applicant at outline and full plan stage and to copy in the planning officer.

(ii) Upside Business Park (Station Yard), Bath Road, Melksham. To receive update on proposals to submit a planning application shortly and arrangements to meet with Stantonbury with the town council.

The Clerk explained whilst the application site was within the town, the parish council had met with Stantonbury at pre app stage on 20 January 2022 and notes of that meeting had been circulated within the agenda packs, along with the notes of the Town Council Economic Development meeting on 29 November 2021 Stantonbury had attended to discuss their proposals.

It was noted plans had been submitted to Wiltshire Council and had been included on the Wiltshire Council planning list this week, with the planners looking to meet with representatives from the parish and town council week beginning 12th September and sought a Member to attend the meeting. It was noted the previously proposed care home had been removed from the plans.

Councillor Baines noted previously the parish council had raised concerns at connectivity between this development and others, as well as to the railway station and access to public transport,

particularly for those people wishing to access the X34 bus service.

- d) Limitations of Section 106 agreements. To note meeting being organised with Councillor Nick Botterill, Cabinet Member for Development Management & Strategic Planning and Parvis Khansari, Corporate Director, Place to discuss lack of clarity, consistency and enforcement on Section 106s Agreements. To agree representatives to attend meeting, and to consider inviting Melksham Town Council representative.**

The Clerk stated a meeting was being arranged between Councillor Botterill and Parvis Khansari for the second half of September, three representatives of the Council had been invited to attend the meeting and stated she would like to attend, which Members agreed.

Discussion ensued on whether it was appropriate to invite a representative from the Town Council.

It was felt as the issues related to the parish, it would not be appropriate, however, hopefully discussions would benefit all parishes in the County.

Recommendation: For Councillors Pafford & Wood (or Councillor Baines as substitute), along with the Clerk attend a meeting with Councillor Botterill and Parvis Khansari to discuss Section 106 agreements.

Meeting finished at 9.11pm

Signed
Chair, 3 October 2022