

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday 17 October 2022 at Melksham Without Parish Council Offices
(First Floor), Melksham Community Campus, Market Place,
Melksham, SN12 6ES at 7.00pm**

Present: Councillors Richard Wood (Chair of Planning) Alan Baines (Vice Chair of Planning), Andy Russell (Acting Vice Chair of Council), Terry Chivers, Mark Harris & Mary Pile

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

In attendance: Wiltshire Councillor Nick Holder (Bowerhill) (for part of the meeting)

208/22 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting and went through the fire procedure for the building and reminded everyone the meeting was being recorded for the purposes of the minutes and would be deleted once the minutes had been approved.

Councillor Chivers queried why the recordings were deleted, as they provided an historical record, which people may want to listen to in the future.

The Clerk explained the minutes are the only official record of a meeting and it was Council policy to delete recordings of meetings once the minutes had been approved. Recordings were only undertaken to assist with the preparation of the minutes and to uplift to YouTube for residents to view until the minutes are published.

It also needed to be borne in mind that for data protection reasons as well as Freedom of Information requests, that the Minutes remain the only record of the meeting as there was the potential for people to take things out of context if they listen to a recording or read meeting notes.

The Clerk advised Councillor Chivers if he wished to change Council policy, he would need to request an item be placed on a future agenda for consideration.

209/22 To receive Apologies and approval of reasons given

Members were reminded Councillor Glover had been granted a leave of absence until 30th November 2022, at the Full Council meeting on 3rd October 2022.

Apologies for absence had been received from Councillor Pafford who was attending a funeral out of County.

Councillor Russell was in attendance as Acting Vice Chair of Council.

Resolved: To note and accept the reasons for absence of Councillor Pafford.

210/22 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 that the Parish Council have a dispensation lodged with Wiltshire Council dealing with Section 106 agreements relating to planning applications within the parish.

211/22 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.*

The Clerk advised that she wished to seek informal views of members following a meeting earlier in the day regarding the implications for the Melksham Neighbourhood Plan, particularly the Town Centre Master Plan, regarding the recent announcement a major employer in the town was looking to close their premises in December 2023 and therefore suggested that item 9(b)(ii) be held in closed session due to the current sensitivity of the site. The discussion was on how to move forward, which would be in the public domain as the plans were progressed.

Resolved: To hold item 9(b)(ii) regarding an update on the Neighbourhood Plan in closed session due to the sensitivity of the recent new site possibility.

212/22 Public Participation

With regard to Pathfinder Place, Councillor Holder explained all the crossings were now working. However, whilst the 3 single crossings emit an audible sound, the double crossing over to The Spa, did not, making it difficult for those who are partially sighted to know when it is safe to cross.

Having queried this, Councillor Holder had been advised that as it is a double-crossing people may get confused on hearing the audible sound and cross the road when it is not safe to do so. Councillor Holder explained he would be following this up with Highways.

Councillor Chivers explained he was aware of a wheeled device fitted to the bottom of a pedestrian crossing control box, which vibrated to make people aware it was safe to cross.

With regard to the remote monitoring for the lights, Councillor Holder explained this had not been installed as yet, but should not cause too much of an issue as it did not require the lights to be switched off in order to be fitted.

Councillor Holder informed the meeting there were several lights on the A365 up to Melksham Oak school, which were still not working and this was being investigated.

Councillor Holder explained he had met with Councillor Nick Botterill, Cabinet Member for Development Management & Strategic Planning and the Chief Officer of Planning, along with Members of Melksham Without Parish Council and the Clerk. The meeting had been both informative and productive, with the Chief Planning Officer feeding back after the meeting that it had been helpful and would shortly be providing answers to some of the questions raised. Councillor Holder explained he had suggested a follow-up meeting in the new year.

Members welcomed the feedback and the opportunity to meet again in the new year.

Councillor Holder left the meeting at 7.10pm.

213/22 To consider the following Planning Applications:

[PL/2022/07374](#): The New Inn, Semington Road, Melksham. Demolition of existing open covered areas and construction of new lounge area serviced from existing bar.

Members noted this application was retrospective and had probably been submitted following a visit from Planning Enforcement.

The Clerk explained the Council had previously discussed the extension to the pub and whilst keen on a community facility, there had been a concern regarding building regulations, given the wooden materials used.

Whilst it was understood there was a door onto Berryfield Lane, as a means of escape in case of a fire, Councillor

Baines expressed concern the only other means of escape was through the new wooden structure.

Councillor Chivers understood the Fire Authority were a consultee on such planning applications and therefore would have an opportunity to comment, if they had concerns.

Councillor Russell sought clarification where the smoking shelter was located in relation to the wooden extension.

Comments: Whilst having no objection, the parish council would like to be assured Building Regulations are happy with the extension, given it is entirely wooden and that there is adequate means of escape in the event of a fire. Assurances were also sought that any designated smoking area be located away from the wooden extension.

[PL/2022/07126](#): 95 Corsham Road, Whitley, Melksham. Erection of outbuilding in garden to serve as Workshop, Garden room and Store.

Comments: No Objection.

[PL/2022/06221](#): Land at Upside, Melksham. Demolition of existing buildings and structures, retention of alloy repair centre and development of 112 dwellings, 675 sqm of flexible employment/commercial space (Use class E(g)ii, iii/B2/B8), formation of public open space, foot and cycle links and associated works.

Councillor Wood reminded Members this site was not within the parish but within the town.

Councillor Wood whilst having no objection to the proposals raised a concern regarding drainage, given issues with flooding in the area previously and suggested as part of any mitigation, if a large drainage pipe could be installed under the main road.

The Clerk reminded Members of Melksham's Neighbourhood Plan Policy 3 with regard to flood risk and natural flood management:

'Particularly in the South Brook (which this site lies within) catchment area, natural flood management works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments, are supported.

Where development proposals are in areas with known surface water flooding issues, they should include appropriate mitigation and construction methods, including where appropriate, contributions towards wider catchment projects.'

The Clerk explained given issues with flooding further upstream whether, as part of mitigation for this development, improvements are requested to drainage in Shaw & Whitley or the installation of a large pipe under the road as suggested by Councillor Wood.

Councillor Baines stated he understood the installation of a large pipe at Shurnhold would not help, as water backed up from the river and having a large pipe would not make a difference when the river is high and therefore suggested looking for mitigation in the upper catchment area of South Brook, such as Shurnhold, because of the possibility of reduced flood storage on this site.

Councillor Baines stated he also understood the developers had engaged with the Principal Drainage Engineer who was happy with proposals.

The Clerk stated as yet there was no report from Wiltshire Council's Drainage Team on the Planning Portal.

The Clerk explained Wiltshire Councillor Alford had suggested a cut through to Foundry Close to access the railway station as part of community gain.

The Clerk noted as a planning condition for the change of use for the George Ward Playing Fields (now known as Shurnhold Fields) to Public Open Space (Planning Application 15/11656), there had to be a Landscape and Ecology Management Plan (LEMP), which included the eradication of **Himalayan Balsam** and therefore suggested this be asked for as a planning condition for this development, in order to eradicate any Himalayan Balsam further downstream.

The Clerk explained the developers had asked if they could have site of the Housing Needs Assessment recently undertaken by the Neighbourhood Plan Steering Group and suggested the Town Council, as the site was in the town, forward this to the developers in order to provide information on housing mix requirements.

Comments: The parish council have no objection to this application pending Wiltshire Council's Land Drainage Team report, given the historical flooding in the South Brook catchment area, and asked for contributions towards:

- Improved access to the railway station from communities within the immediate vicinity, such as Foundry Close, as this would help people from the parish i.e., Beanacre access the railway station more easily. And/or a footbridge from the development across the railway line.
- Improving the South Brook catchment area further upstream as per Policy 3 Flood Risk and Natural Flood Management of Melksham's Neighbourhood Plan, particularly as South Brook has been identified as a priority flood risk area by both the Environment Agency and Wiltshire Council, with South Brook and its tributaries flowing through Whitley, Shaw Shurnhold and Beanacre.

The area has seen many incidents of flooding. Bristol Avon Rivers Trust (BART) have been working in the South Brook catchment area for the delivery of the Natural Flood Management (NFM) works.

<https://bristolavonrivertrust.org/nature-based-solutions-in-south-brook-2/>

Policy 3 states:

'Particularly in the South Brook catchment area, natural flood management works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments, are supported.

Where development proposals are in areas with known surface water flooding issues, they should include appropriate mitigation and construction methods, including where appropriate, contributions towards wider catchment projects.

Major development should include provision of Sustainable Drainage Systems (SuDs), where appropriate, as part of the Natural Flood Management approach and wider Green Infrastructure networking.'

- Improvements to public transport.

The parish council also ask that a condition be included in any planning permission for the eradication of Himalayan balsam.

214/22 Revised Plans To comment on any revised plans received within the required timeframe (14 days)

No revised plans had been received for consideration.

215/22 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

There were no new planning enforcement updates to report.

216/22 Planning Policy

a) WALPA Update

The Clerk explained there were no update to report.

b) Neighbourhood Planning

i) To note minutes of Steering Group meeting held on 28 September 2022 (if received)

The Clerk explained she was currently proof reading these and undertaking the actions and would circulate shortly.

ii) Update on the Neighbourhood Plan Review and to consider any time critical requests before next Steering Group meeting

The Clerk explained that the announcement at the end of last week that a major employer in the town centre planned to close their site in December 2023 had implications for the Neighbourhood Plan as the site could become available during the lifespan of the revised Neighbourhood Plan.

Discussion had taken place with both the Spatial Planning Officer at Wiltshire Council and the Neighbourhood Plan Consultants on a best way forward, with the Town Clerk, earlier in the day.

The Clerk explained that both Councils, as qualifying bodies for the Neighbourhood Plan, will have to make a decision quite quickly, given the opportunities of including this site in the Plan but bearing in mind its sensitivities as the site is not yet available with the employees currently in a consultation period. This had to be balanced with the inevitable impact of a delay in the tight programme of the Neighbourhood Plan review with the current

NPPF Paragraph 14 protection expiring in early July 2023. The qualifying bodies would need to decide on whether the Plan made no mention of the site, or a Priority Statement, a Policy or even possible allocation with the more detailed approach taking more time and resources which would delay the draft Plan currently due for consultation at Regulation 14 in Quarter 2, 2023. The Clerk wanted to bring to the attention to members quickly, as a decision would have to be made in a relatively short time on a way forward.

ii) To consider reviewed Terms of Reference dependent on consideration by Melksham Town Council

The Clerk explained the Town Council had at an Economic & Development Meeting on 10 October considered the revised Terms of Reference for the Neighbourhood Plan following the Steering Group meeting on 29 June and approved the suggested amendments:

7:4: If a Steering Group Member is a member of more than one organisation, they should declare their wider interest (removing the reference to “dual hatted” members).

10.1: The Steering Group will meet as required rather than monthly.

10.2: Meetings will convene no earlier than 6.00pm and no later than 7.30pm and last for 2 hours.”

However, the Town Council’s Economic & Development Committee had suggested a small amendment to point 10.2 to include ‘up to’ before 2 hours, to read as follows:

Point 10.2: Meetings will convene no earlier than 6.00pm and no later than 7.30pm and last for **up to** 2 hours.

Recommendation: To approve the slight amendment to point 10.2 of the Neighbourhood Plan Terms of Reference as suggested by the Town Council.

iii) Westbury Neighbourhood Plan Regulation 14 Consultation for a 12-week period commencing 12 September until Monday 4 December. To note and consider making a representation

The Clerk explained that Westbury’s Draft Neighbourhood Plan was currently going through its Regulation 14 consultation and had been sent to the parish council as a consultee. Having looked through the document the Clerk didn’t feel that any policies affected the parish and needed a response at this stage.

It was noted that the Plan had been produced by the same consultants as the Melksham Neighbourhood Plan.

However, she had noted several useful policies including Draft Policy DDH3: Housing to Meet Local Needs which was reflective of what the Melksham Neighbourhood Plan's Housing Needs Assessment highlighted, particularly with regard to housing to meet local needs.

The Clerk explained that as Melksham's Neighbourhood Plan was currently under review, she assumed the current policy on housing need would reflect a similar approach, particularly as the Housing Needs Assessment had now been completed:

'Development proposals for new homes in Westbury will be given support where they;

- a. Prioritise the delivery of affordable rented discounted market and open market two and three bedroom homes to meet local needs and in a tenure blind mix, design and layout;
- b. Increase the supply of homes including social rented and discounted market housing in conformity with adopted Wiltshire Council Local Plan affordable housing policy;
- c. Address the balance and provision of market and affordable housing to meet the specific housing needs of the Neighbourhood Plan area identified in the Westbury Housing Needs Assessment (2021) or updated evidence of housing need that has been validated by the local planning authority;
- d. Deliver supported housing that is designed to provide a high quality of life for local older people and disabled people who need to move and wish to remain within the community in appropriate locations that are within ten minutes easy walk of local facilities;
- e. Meet the Building Regulations Part M4 (Category 2)* Accessible and Adaptable Buildings standards and a proportion of larger developments should be Wheelchair user dwellings as defined by Building Regulations Requirement Part M4 (Category 3) revisions thereof;
- f. Meet the Nationally Described Space Standards set out in the Technical Housing Standards (2015) or any subsequent revisions thereof. Where possible, conversions should also seek to meet this standard;
- g. Support will be given in principle to proposals for community led development of housing and/or community facilities that

contribute towards meeting the identified housing and community infrastructure needs. *Reference to Best Practice Guidelines, Wheelchair Housing Design Guide: 3rd Edition, (or subsequent editions) Habinteg, RIBA Publishing

The Clerk explained the other useful policy, which had been raised several times with regard to provision of electric charging points, was Draft Policy TM3: Ultra Low/Zero Emission Vehicle Charging:

1. Residential

Every new home, including those created from a change of use, with associated parking must have an EV charging point.

Residential building undergoing a major renovation which will have more than 10 parking spaces must have a least one EV charging point per dwelling with associated parking, along with passive provision in all spaces without charging points.

2. Non-residential

All new non-residential buildings with more than 10 parking spaces must have a minimum of one charging point and passive provision for one in five (20%) of the total number of spaces.

All non-residential buildings undergoing a major renovation that will have more than 10 parking spaces must have a minimum of one charging point, along with passive provision for one in five spaces.'

Councillor Harris noted there was a useful explanation of housing need and who decides on housing numbers at the beginning of the document, which would be useful to include in the Melksham Neighbourhood Plan.

Members agreed this was useful information and would be included in the Neighbourhood Plan Review as it related to the Local Plan Review currently underway by Wiltshire Council, whereas Melksham's current Neighbourhood Plan had to adhere to the Core Strategy which was relevant when the plan was produced.

c) Local Plan Review. To note update on Local Plan Review timescales

Members noted with disappointment the date for publication of Wiltshire Council's Local Plan for pre-submission consultation and

preparation for submission, following consultation, had been extended to Quarter 2 2023. This is their Regulation 19 consultation stage.

The Clerk explained the change in timescales in publishing the Local Plan Review and the implications for the neighbourhood plan had been discussed with the neighbourhood plan consultants, particularly as the plan had to confirm to the Local Plan Review. The consultants had advised to keep up the momentum with the plan review up to draft at Regulation 14 stage, then to hold until the Local Plan is published, in order to review against it and see if information is included on safeguarding a route for the canal, protecting a route for the proposed A350 bypass and where strategic sites will be located in the Neighbourhood Plan area.

The Clerk also explained that the Neighbourhood Plan Steering Group, as part of their methodology in selecting sites to include in the Plan, would be looking at those sites adjacent to strategic sites put forward by Wiltshire Council in the Local Plan. Unfortunately, without sight of the Local Plan, this would prove difficult.

The Clerk stated the National Planning Policy Framework (NPPF) paragraph 14 protection afforded by the current Neighbourhood Plan would run out in July 2023 and expressed concern at any more delays in the Local Plan being published.

217/22 S106 Agreements and Developer meetings: (Standing Item)

a) To note update on ongoing and new S106 Agreements

i) Hunters Wood/The Acorns:

- **To note update on roadworks and temporary lights from Melksham Town Council.**

An update on progress of the new roundabout at the bottom of Spa Road had been received from Patsy Clover, Deputy Town Clerk, Melksham Town Council, following a site visit.

The Clerk reminded Members this development was no longer in the parish, however, residents of Bowerhill regularly used this route to access the town.

The Deputy Town Clerk explained unfortunately works had been delayed by BT due to the complexity of the works involved. It was hoped works would start in 2 to 4 weeks, if a quicker solution was found, if not, work would not start for 15 weeks.

Councillor Baines had noted over the weekend that the temporary crossing lights on Spa Road were not working, which had caused difficulties for people wishing to cross the road, particularly as the permanent crossing further up Spa Road had been closed due to the roadworks.

Concern was raised this route was regularly used by people, including children accessing both Melksham Oak School and Aloeric in town.

The Clerk explained she had previously reported these lights were not working to Wiltshire Council, to be informed the batteries kept running out and would chase this up again.

- **To note update on Footpath to rear of Melksham Oak School**

The Clerk explained she had contacted Wiltshire Council and asked how they were progressing with the proposed crossing on the new road which is currently being constructed.

The Clerk had also asked what provision was in place with regard to the access to the rear of the school. Would there be access via a rear gate, or were the pupils being directed back onto the A365 from this footpath, who would then spill out onto the pavement en masse and use the existing front access. Wiltshire Council had informed the Clerk there was a plan to go through a gate to the rear of the school with everyone else having to go back out onto the A365.

The Clerk explained she would be keeping the pressure on getting this resolved and had pointed out to Wiltshire Council a child had been hit by a van outside the school that day in order to highlight the need for progress to be made as soon as possible.

- **To note update on East of Melksham Community Centre**

The Clerk informed the meeting that David Sharp the Architect who the Council had used for the new Berryfield Village Hall had been appointed by Melksham Town Council to draw up plans for the East of Melksham Community Centre with a view to submit a planning application.

ii) Bowood View:

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

The Clerk explained the village hall needed a 'Green Travel Plan' condition discharged before it could be used and had met with the architect, David Sharp to draw this up which was now ready to be submitted to Wiltshire Council.

Whilst the Parish Council had agreed to Bellway's offer to relay the hoggin footpath in the play area with tarmac, Bellway had responded to say the tarmac for the path was out of schedule and would now have to wait 10 weeks to be done. The Clerk had replied to say a response to the offer was required by 7th October by the Parish Council, which had been confirmed on the 5th October and therefore was at a lost to understand the delay.

It was noted the Asset Management Committee had discussed the play area and the delay in getting the footpath resurfaced with tarmac the previous week and would be making a recommendation to Full Council on Monday, 24th October not to take on the play area until the path was tarmacked; whereas Bellway wanted the parish council to adopt now and then close in 10-week time for the path to be done. The concern was that this would never get done, and whilst unfortunate for the play area to remain closed, that this was quieter winter months.

Councillor Baines stated that the Asset Committee had also been concerned the RoSPA report had highlighted a fault in the design, whereby there is no safety surface underneath the teen shelter which could be climbed on.

Councillor Baines also raised a concern Bellway in their correspondence had stated there were no pressing issues for them to rectify after the RoSPA inspection and if they had been informed of the RoSPA inspector's visit, would have made sure the gate to the play area was open.

Councillor Baines noted RoSPA do not inform the parish council when inspections would take place, as they were always unannounced visits.

The Clerk pointed out Bellway had also responded to say there was nothing in the report which was a medium or high risk, to which the Clerk had pointed out the concerns RoSPA

had regarding the safety surfacing under the teen shelter; which was rated a Medium risk.

In terms of the residents and management company, the Clerk explained they wished to meet at Berryfield Village Hall in order to form a residents' association and was liaising over suitable dates.

In terms of the village hall being taken over by a management company, the Clerk explained there a meeting had been arranged on Wednesday of this week with representatives from Shaw Village Hall, Bowerhill Village Hall and those wishing to form a village hall management committee, in order to go through online booking systems, terms and conditions, leases and share best practice.

iii) Pathfinder Way:

- **To receive update on Play Area**

The Clerk explained the contractor who had installed the play equipment had been in touch and they had provided a quote for Taylor Wimpey to sign off on for the repairs to equipment highlighted in the recent RoSPA report.

The Clerk explained the Wiltshire Council Section 106 Officer was currently looking at the landscape plan for Pathfinder Place and had been in touch querying where the picnic tables should be located.

The Clerk explained these were in the play area, which had previously been agreed by the Council. The Section 106 Officer would be sending this information, along with suggestions with regard to repairs to the equipment as highlighted in the RoSPA report for approval. Once this has all be approved and repairs undertaken and outstanding signage installed, the play area will be ready for adoption by the parish council.

The Clerk explained a resident of Pathfinder Place who had attended a previous meeting had been in touch asking if he could book Bowerhill Village Hall to hold a meeting of residents of Pathfinder Place with an invite to Bowerhill Councillors with a view to arranging a residents' association. The Clerk had explained the Parish Council did not own the village hall and therefore had passed on the hall details in order for him to get in touch to arrange a booking.

The Clerk stated as the group did not have a constitution or a bank account as yet, if Members were happy to cover the

costs of the hall hire of £25, in the spirit of assisting residents in forming a residents group, as suggested previously by the council.

Recommendation: For the parish council to pay the £25 hall hire charge to use Bowerhill Village Hall.

- **To note update on pedestrian crossings and temporary lights**

An update had been provided by Councillor Holder earlier in the meeting.

b) To note any S106 decisions made under delegated powers

None.

c) Contact with developers

The Clerk stated Living Space Housing had been in touch seeking a meeting with representatives of the parish council, regarding their site to the rear of Townsend Farm, Semington Road (20/07334/OUT) prior to their reserved matters application with Sovereign Housing.

Resolved: To arrange a meeting with Living Space Housing on Monday, 24th October at 10.00am or Wednesday 26th October at 2.00pm at the parish council offices in the Campus and to forward the parish council's comments on the outline planning application to members of the Planning Committee in preparation for the meeting.

d) Limitations of Section 106 agreements. To note feedback from meeting with Councillor Nick Botterill, Cabinet Member for Development Management & Strategic Planning and Head of Planning regarding lack of clarity, consistency and enforcement on Section 106s Agreements.

Councillor Wood stated that, as Councillor Holder had commented earlier, the meeting with Councillor Botterill and the Head of Planning Nic Thomas had been very useful and highlighted how big the parish was and how engaged the Council were in the planning process.

At the meeting a lot of issues were raised, particularly regarding Section 106s and the lack of involvement of the parish council and the inconsistencies between each Section 106, planning enforcement had also been discussed.

The Clerk reiterated the frustration of the Parish Council not being involved in Section 106 discussions with the developer and Wiltshire Council, particularly as often the parish council has provided a developer with a list of things the council would like to see included on a site to find

these have not been included in the Section 106.

It was stated at the meeting that whilst it is appreciated it would be difficult for Wiltshire Council planning officers to liaise with all town and parish councils regarding Section 106 Agreements, at least those councils who have a lot of development in their area should be involved in the Section 106 process and reiterated that Melksham was due to be allocated some 2,500 houses under the Local Plan Review and that these issues needed to be addressed before new legal agreements were in place.

The Clerk explained discussion had also taken place at the need for the Council to often 'Call in' an application to committee, as this was the only opportunity for the Council to get their points across, as they are not party to the Planning Officer's recommendation prior to a decision being made, which those at the meeting had taken on board.

It was felt that some of the issues raised had been taken on board and hopefully progress had been made.

Councillor Wood explained he would like to understand what reasons Wiltshire Council consider a parish council can request a call in on as it was not clear from the meeting.

Meeting closed at 8.30pm

Signed
Chair, Full Council 24 October 2022