

**MINUTES of the Planning Committee of Melksham Without Parish Council  
held on Monday 28 November 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), David Pafford (Chair of Council) Andy Russell (Acting Vice Chair of Council) and Mark Harris

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

**In attendance:** Wiltshire Councillor Nick Holder (Bowerhill)  
5 Members of Public (3 via Zoom)

**278/22 Welcome, Announcements & Housekeeping**

Councillor Wood reminded those present of the fire safety procedures for the building.

The Clerk explained developers had resubmitted plans for 210 dwellings (previously 231 dwellings) and a care home on land South of Western Way. The application would be considered at the Planning committee meeting on 19 December. (PL/2022/08504)

**279/22 To receive Apologies and approval of reasons given**

Members were reminded Councillor Glover had been granted a leave of absence.

It was noted Councillor Chivers was not in attendance and had not tendered his apologies.

**280/22 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.

**281/22 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 explained agenda item 11(a)(ii) regarding the footpath to the rear of Melksham Oak may have to be discussed in closed session, as the plans for the footpath were not yet within the public domain.

**282/22 Public Participation**

Standing Orders were suspended to allow Members of public to speak to various items.

Three residents of Beanacre were in attendance to voice their concerns at proposals for 3 dwellings on land to the rear of 52e Beanacre on Chapel Lane (PL/2022/06389):

- The ecological impact the proposals will have on the area. A soakaway is located to the rear of properties on Westlands Lane through to Chapel Lane and under the A350 to the rear of properties east of Beanacre Road, which experienced flooding issues a few years ago, resulting in the soakaway getting blocked.

Therefore, would like an understanding should the application be approved, of what plans are in place to ensure the sufficient drainage of the soakaway and what would be done to mitigate any flooding moving forward.

- Parking is an issue. Chapel Lane is narrow, currently there is not sufficient space and any additional development will exacerbate the situation.

A resident of Townsend Farm voiced their concerns at proposals for an additional 53 dwellings (planning application PL/2022/08155), West of Semington Road in addition to the 50 affordable dwellings (20/07334/OUT) already proposed to the rear of Townsend Farm:

- The impact extra vehicles will have on the access to the development, which is poor given its location opposite the second

entrance to the Mobile Home Park on Semington Road.

- The Planning Inspectorate had put a reservation on the application for 50 dwellings (20/07334/OUT) adjacent to the application site and therefore need to understand how this reservation will be resolved in the context of the new application, which will see the development increase in size, with an unsafe exit/entrance.

The resident explained there appeared to be conflicting dates when comments need to be submitted. As a resident the letter from Wiltshire Council stated comments had to be submitted by 2 December. However, on the agenda it stated 6 December. A Residents Association meeting was being held later in the week and therefore, it would be useful to know when the deadline date is.

The Clerk stated she would clarify this and when submitting the parish council's comments would make the Planning Officer aware Townsend Farm Residents Association would also be submitting comments after 30 November.

Councillor Holder confirmed the deadline date for comments was 6 December.

Councillor Holder explained whilst plans had previously been submitted and refused for 200+ houses on land South of Western Way, adjacent to the Pathfinder Place development, the developer had resubmitted plans for 210 dwellings and a care home. Having spoken to the Planning Officer and having previously objected to proposals he had requested a 'call in' to committee, if the planning officer were minded to approve the application.

Having looked at the plans, Councillor Holder explained he could see no improvements which would change his opinion and would be attending the Planning Committee meeting on 19 December in order to discuss the proposals.

With regard to the Lack of 5 year land supply agenda item, Councillor Holder explained several Wiltshire councillors were working together to lobby Central Government to remove the erroneous 5 year land supply figure, which was being used by developers to override local residents and parish councils who had worked hard in producing neighbourhood plans for plan led development to be trumped by the 5 year land supply at refusal or appeal.

Councillor Holder explained it was very disappointing for councils and Wiltshire Council who refuse planning applications for these to be overturned at appeal due to a lack of 5 year land supply, which often resulted in unwanted development outside a settlement boundary, which was not right, particularly given the number of houses built in Wiltshire in recent years and urged the parish council to write to their local MP to ask

that the 5 year land supply figure be removed from all planning procedures.

With regard to the lights on the A365 relating to the Pathfinder Place development, Councillor Holder stated he understood these were due to be completed shortly and had noted some trenches had been installed and assumed, and hoped, these were for the street lights.

Councillor Wood thanked Councillor Holder for his efforts in lobbying Central Government on the 5 year land supply issues and noted quite often developers would land bank, in order to skew the housing figures which was impacting communities.

Councillor Holder agreed land banking by developers was an issue and was aware of areas in Trowbridge being land banked by developers, which if released, would take Wiltshire over the 5 year land supply figure and raised a concern developers might be working together to keep the 5 year land supply figure lower, in order to get planning applications through in areas where they would normally be refused.

The resident of Townsend Farm stated they would also write to Michelle Donelan MP regarding this issue, given the impact it had and would also write expressing concern at the loss of much needed farm land to development, which should be used to produce food.

Standing Orders were reinstated.

**283/22 To consider the following Planning Applications:**

[PL/2022/06389](#): Land to the rear of 52E Beanacre, Chapel Lane, Beanacre. Erection of three dwellings, with access, parking, and associated works including landscaping (outline application with all matters reserved).

Members raised a number of concerns about the proposal and the impact it could have of the existing development.

**Comments:** The Parish Council object to this planning application for the following reasons:

- The site is outside the settlement boundary and is in the village of Beanacre, which is classed as a "Small Village" in the Core Strategy. Please also refer to Policy 6: Housing in Defined Settlements of the made Melksham Neighbourhood Plan regarding development in the small villages of Beanacre and Berryfield. The site is not a Rural Exception site and makes no reference to any affordable housing. The site therefore conflicts with Core Policy 2 of the

Wiltshire Council Core Strategy as it is outside the defined limits of development and has not been brought forward through the Site Allocations DPD or the Melksham Neighbourhood Plan.

- Whilst the developer's Planning Statement makes reference to the current lack of 5-year land supply, it does not mention that the protection of paragraph 14 in the NPPF is valid with a current adopted Melksham Neighbourhood Plan less than 2 years old. The Melksham area has exceeded the number of dwellings required by the Core Strategy by 2026.
- Highway Safety Concerns. The site is located on a narrow single track lane. Vehicles at present have no facility to turn around to exit Chapel Lane without impinging on someone else's land and this application will exacerbate the situation.

The exit/entrance to Chapel Lane is currently a hazard. If drivers on the A350 can run into the rear of vehicles waiting to turn into Westlands Lane, the same can be said for vehicles waiting to turn into Chapel Lane, particularly those travelling from the North.

The exit of Chapel Lane is not naturally at right angles to the carriageway and therefore from a highway point of view it would be undesirable to increase traffic on Chapel Lane onto the A350.

- The impact the proposed dwellings will have with regard to drainage in the area.

The area is known to have flooded previously with follow up site visits by the parish council and the Wiltshire Council Drainage engineers and attention is drawn to the application form where it states there has been no previous flooding. Whilst there may not have been incidences of flooding on the proposed development site, there had been incidences of flooding in the close vicinity and run off from the properties could exacerbate the situation.

There is a soakaway which runs to the rear of Westlands Lane and joins the stream near Rose Cottage, Chapel Lane and reappears to the rear of properties east of Beanacre. The gulley has been excavated to enable extra flow to the soakaway for improved surface water drainage.

There are various difficulties with drainage in the area and additional run off will need to be attenuated. There does not appear to be proposals to retain surface water, therefore there will be drainage issues with this application.

Attention is drawn to Policy 3 of the Neighbourhood Plan: 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.'

- The current plan for mains drainage in Beanacre are still ongoing and still await formal Business Case approval by Wessex Water. The scheme does not extend to include Chapel Lane. Therefore the proposed development will start life on septic tanks with a significant possibility of pollution of surface water drainage from any private sewage system.
- There are no facilities in Beanacre, other than a church hall and play area, but no shop for example and therefore for additional residents in Beanacre access to public transport is important for it to be a sustainable development. Attention is drawn to the developer's Planning Statement which states that that there are frequent bus services, r whilst this may be the case during the day, there is no evening or Sunday service.

The site has been assessed by AECOM as part of the site assessment process in the Melksham Neighbourhood Plan with the following comments stated 'the main constraints to development surrounded the access issues, its location away from the main built-up area of Melksham, possible changes to the village-scape, and the potential ecological importance of the site. Nonetheless, it is potentially suitable for development if the constraints can be resolved". See report here

[https://www.archivemelkshamneighbourhoodplan.co.uk/files/ugd/fcc864\\_42541f173bbe45d8a6aeebf95124c6b0.pdf](https://www.archivemelkshamneighbourhoodplan.co.uk/files/ugd/fcc864_42541f173bbe45d8a6aeebf95124c6b0.pdf) Site 21 on page 30.

- In the draft Strategic Environmental Assessment (SEA) Scoping report currently being prepared by AECOM for the review of the Melksham Neighbourhood Plan it states that this site was in an area of good agricultural land (3a) and classed as Best Most Versatile Land.

It was agreed to ask Councillor Phil Alford to call in this application and to contact residents at the meeting on the definition of a call in. It was also agreed to keep residents informed of progress on the application.

Councillor Baines stated at a recent North Operational Flood Working Group meeting he had made the Drainage Team at Wiltshire Council aware of the application.

**PL/2022/08155:**

Land to the West of Semington Road, Melksham. Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved.

Members noted and supported the useful comments from the Wiltshire Council Spatial Planning Officer on proposals for the site.

Councillor Wood informed the meeting the Neighbourhood Plan Steering Group were looking at including an additional policy to protect landscape gaps and hopefully this would add some protection against future development.

The Clerk explained if the application was for 103 dwellings, rather than two separate applications, several things would be triggered, such as providing a contribution towards education and other infrastructure and therefore it felt wrong that the two applications would not have to contribute towards these, particularly as both applications had been submitted by Terra Strategic and were described as Phase 1 (20/07334/OUT) and Phase 2 for this application.

**Comments:** To fully support the comments made by the Spatial Planning Officer and to object to this application for the following reasons:

- The site is outside the settlement boundary and is in the village of Berryfield, which is classed as a “Small

Village” in the Core Strategy. Please also refer to Policy 6: Housing in Defined Settlements of the made Melksham Neighbourhood Plan regarding development in the small villages of Beanacre and Berryfield.

- This site was previously turned down in May 2017 for 160 dwellings, and the reasons for that refusal still stand. Precedent is also set within the assessment of the principle of development for 16/11901/OUT on applications in the Semington Road area that do not fall under the existing built area of Berryfield or within the settlement boundary of Melksham Town. The site therefore conflicts with Core Policy 2 of the Wiltshire Council Core Strategy as it is outside the defined limits of development and has not been brought forward through the Site Allocations DPD or the Melksham Neighbourhood Plan.
- Whilst there currently is a lack of 5-year land supply, the Melksham area has exceeded the number of dwellings required by the Core Strategy by 2026 and the protection of paragraph 14 in the NPPF is valid with a current adopted Melksham Neighbourhood Plan less than 2 years old. This was confirmed by the Planning Inspector for the appeal at the adjacent site 20/07334/OUT; AP-36412.
- The development proposed is for 100% affordable housing, which conflicts with Wiltshire Council’s Core Strategy Policy 43 ie ‘the need for developing mixed, balanced and inclusive communities, affordable housing units to be dispersed throughout a development and designed to be high quality, so as to be indistinguishable from other developments.’ On recently meeting Sovereign Housing at pre-app stage for the adjacent site (20/07334/OUT) they mentioned that the 50 dwelling site was about the right size for a wholly affordable housing site for themselves. On their proposed pre-app drawing for that development, it is shown as Phase 1, and this proposal is described as Phase 2 with a connecting road shown between them. The applicant is the same for both sites at outline stage.
- If Wiltshire Council are minded to approve this application, please refer to the published Housing Needs Assessment undertaken for the review of the Melksham Neighbourhood Plan to give a steer on the mix of type and tenure that are needed in the



Neighbourhood Plan area, and in fact broken down into smaller settlement areas within the NHP area [https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117\\_4c8411b64439472fbfcf8e856799e2c9.pdf](https://www.melkshamneighbourhoodplan.org/files/ugd/c4c117_4c8411b64439472fbfcf8e856799e2c9.pdf)

- The loss of Grade 2 agricultural land (Best Most Versatile land). It is noted that it suggested within one of the developer's submission documents that this particular parcel of land was unsuitable for agricultural use and was fallow. The parish council do not want to see the loss of good quality land from agricultural use. Residents from the neighbouring Townsend Farm development confirm that this year rapeseed had been grown and cultivated in the field and for the last 15+ years there had always been either crops or animals on the land.
- Highway safety concerns with regard to access to the site as Semington Road is quite narrow where the access is proposed. In addition, the highway safety for residents in terms of accessing facilities in the town with them having to cross the busy A350. Whilst the light controlled crossing to the east had recently been upgraded as part of the Active Travel project by Wiltshire Council, there was still an informal, desire line across the east of the A350 roundabout to access the town centre and Aloeric school. The proposed site entrance is very close to the entrance to the Mobile Home Park and in addition to the road calming measures already in place this could lead to congestion and traffic issues, especially on the Semington Road roundabout at the A350. The A350 is a primary route, with some 20,000 vehicles using it per day.
- Access to schools and lack of school places. Whilst Aloeric School may be the nearest, this requires people having to cross the busy A350. The proposed primary school at Pathfinder Place, Bowerhill is not yet built and there is no footpath proposed from Berryfield to Pathfinder Place for those wishing to access the school on foot. St George's Primary School in Semington is some distance away and for access by vehicle would require a circuitous route via the A350 due to the Bus Gate at the entrance to Semington Village from the Semington Road. It was noted that there is no pre-school provision at Aloeric school and this needed to be borne in mind for any potential walking route being assessed for early years

children. The parish council raised concerns about the recent Road Safety Report for 20/01938 of which children would be using the same route to school. This contradicted itself by saying that the route was safe as children would be accompanied by an adult, and elsewhere reported that the assessor witnessed an unaccompanied child on a scooter en route to school. In addition, children may be accessing other primary schools at Bowerhill and the proposed school at Pathfinder Place

- The application makes no reference to a contribution to the proposed Melksham Link canal restoration by the Wilts & Berks Canal Trust (12/01080).
- The erosion of the rural buffer and visual green gap between the town of Melksham and the small village of Berryfield.

Should Wiltshire Council be minded to approve this application the Parish Council would like to see the following conditions included in the Heads of Terms for the S106 Agreement:

- There are practical art contributions.
- A LEAP (Local Equipped Area of Play) is provided which includes bins and benches as well as public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
- The Parish Council wish to enter into discussions on being the nominated party for any equipped play area for the site, and the associated maintenance contribution.
- Bus shelters to be provided in Semington Road with WiFi connectivity to provide Real Time Information.
- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- There is a visible delineation between the pavement and the road.
- As no community facility is being provided from this application, that a contribution is made towards the running costs of the new village hall being provided as part of planning application 16/00497/OUT on Semington Road.
- A contribution is made to public transport.
- A contribution towards the canal scheme.
- Equipment is provided for teenagers, such as a teen shelter with WiFi connectivity.

- The provision of circular walking routes with the provision of benches and bins
- The provision of bird, bat and bee bricks, reptile refugia and hibernacula in order to increase biodiversity and wildlife in the development

To request Councillor Seed call in the application (highlighting comments by the Spatial Planning Officer) for discussion at a Wiltshire Council Planning meeting.

**PL/2022/07557:** Snarlton Farm, Snarlton Lane, Melksham. Variation of condition 2 (approved plans) of planning permission 21/02276/VAR to make amendments to the approved scheme. Applicant Sandridge Battery Storage

**Comments:** No objection.

**PL/2022/07951:** Redstocks Cottage, 423 Redstocks, Melksham. Two Storey Side Extension

**Comments:** No objection.

**PL/2022/08300:** 254 Sandridge Common, Melksham. Removal of old extensions to the rear and a porch at the side of the original cottage. Replace with new extension. Remove and replace existing dormer window to rear roof. Modification of first floor window in rear elevation. New window in second floor side elevation.

**Comments:** No objection.

**PL/2022/08518:** Kays Cottage, 489 Semington Road, Melksham. Build over part of the existing single-storey rear extension. The proposed first floor extension extends to the end of the two-storey dwelling immediately to the north (488 Semington Road). The elevations will be rendered, and the roof will be covered using Spanish slates to match the existing dwelling.

Councillor Wood explained there had been several extensions to the original house, including the addition of 489a adjacent and a development to the rear. The applicant had also permission for an additional garage and 4 new dwellings, which all represented over development of the site.

It was noted the applicant never seemed to address the issue of car parking as part of the various applications submitted which had resulted in residents parking on the road, causing issues.

It was noted a resident of Semington Road had also written to the parish council objecting to the proposals.

Members expressed frustration a lot of planning applications had been submitted for this property, some of which had not come to fruition and others which had creating large development for the plot occupied.

**Comments:** To object to this application on the grounds of additional overdevelopment of the site and the lack of parking provision, resulting in on street parking on Semington Road exacerbating an existing highway safety issue.

**PL/2022/08544:** 19 Lancaster Road, Bowerhill (ABC Nursery). Construction of new single storey building to the rear of the property to provide new classroom, staffroom and WC. New access to the site from the main road that includes a larger dropped kerb and part removal of verge in front of building. Applicant ABC Nursery

**Comments:** No objection.

**PL/2022/08762:** The Willows, Lower Woodrow, Forest, Melksham. Erection of a New Garage and Storage Building.

Councillor Harris expressed concern at the size of the proposed development and the potential for it to be turned into a separate dwelling.

**Comments:** No objection, but ask, given the size of the buildings proposed, that a condition be placed on the application, that the building is not occupied at any time and remains within the same planning unit as the main dwelling.

**284/22 Revised Plans** To comment on any revised plans received within the required timeframe (14 days).

The Clerk explained whilst there were no revised plans for discussion, David Wilson Homes, the developer for 144 dwellings on Semington Road had been in touch to say they had resubmitted plans in order to achieve an improved mix over what had previously been submitted. They also sought to address the issue with regard to the access onto Shails Lane by blocking it up with planting, stating there were limited works they could do here, as they had easements for the services that ran underneath, but hoped it would address the neighbouring residents' concerns in Shails Lane.

They also hoped to attend the next Planning Committee meeting in December.

Members agreed they should attend the Planning Committee meeting in December and in the meantime request they included proposals to erect a fence with hedging either side on their boundary adjacent to Shails Lane.

With regard to proposals for 112 dwellings on Upside, Bath Road, the Clerk explained both herself and Councillor Baines had attended a recent Flood Operational Working Group meeting where she spoke about flood mitigation as part of the Neighbourhood Plan ie Policy 3, with regards to flood mitigation, which had been included in the Planning Committee's comments back to Wiltshire Council.

Policy 3 of the Neighbourhood Plan Flood Risk and Natural Flood Management: "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."

At the meeting there was a concern any flood mitigation for the wider area at Southbrook may not be included in the Section 106 Agreement without some indication from the Drainage team on what they should look like and perhaps an indicative cost; with the Chairman of the Floods Ops meeting suggesting the application be called in, in order the point could be raised and the additional mitigation written into the heads of terms.

Whilst it was noted the application was within the town, it was within the Neighbourhood Plan area and therefore, it was felt appropriate to ask Councillor Phil Alford to call it in.

**Recommendation:** To request Councillor Phil Alford call in this application.

**285/22 Decision Notices:**

- a) New Inn (Planning Application PL/2022/07374). To note extension to New Inn was approved and to consider a way forward with regard to Informative to contact Building Regulations.**

The Clerk explained there was an Informative in the Planning Decision Notice dated 8 November, the applicant apply to Building Regulations, however, on looking online it would appear they have not done so.

Members noted they had specifically asked that Building Regulations look at this application with regards to the materials used and fire safety.

The Clerk asked if Members wished to make Building Enforcement aware, in order to investigate if building regulations have been applied for.

Members expressed frustration and concern the applicant had not applied for Building Regulations as part of the planning application in order to certify it was a safe build.

**Recommendation:** To defer this item until the Planning meeting on 19<sup>th</sup> December to allow time for the applicant to apply to Building Regulations.

- b) Land to the west of the A350 (Beanacre Road) North of Dunch Lane (Planning Application: PL/2021/05391). Outline planning application for up to 150 dwellings. To note application has been withdrawn by the applicant.**

Members noted this application had been withdrawn by the applicant. On contacting the Planning Officer, they had stated the applicant had given no reasons for the application being withdrawn and it was not a requirement for them to do so. However, there were a number of issues with the proposals including those identified by consultees/representations made to the proposals, which may have resulted in a refusal of the proposals such as:

- Insufficient information being provided to demonstrate the site is not at risk of flooding from other sources.
- The proposal did not accord with the strategy and pattern of development anticipated by the Wiltshire Core Strategy and Joint Melksham Neighbourhood Plan.
- Developing this site would have an adverse impact upon the landscape.
- Overdevelopment of the site.
- Loss of Grade 3a (ALC) Agricultural Land Classification
- The proposal site is within the Minerals Resource Zone (MRZ)

- Required an archaeological site evaluation to demonstrate that the development will not have an adverse impact on heritage assets of archaeological interest.
- The proposals did not amount to a public benefit that would outweigh the less than substantial harm to Halfway Farmhouse (a designated heritage asset) identified by the conservation officer via the urbanising impact of development.

Councillor Wood stated the parish council would have to wait and see if the developer subsequently resubmitted plans for the site.

**286/22 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.**

The Clerk explained Councillor Harris had raised some queries regarding fencing and asked if members wished to follow this up with Planning Enforcement.

Councillor Harris stated the fence at Tangmere Close was still in-situ and had not been removed and a new one re-instated as outlined in the recent planning application.

Councillor Harris stated he was unclear if it was for the Council to follow up, but had noticed a replacement fence had been installed on Halifax Road adjacent to the highway and around the side of the building. According to information he had found, planning permission needed to be sought if erecting a fence adjacent to the highway of over 1m in height.

The Clerk clarified enforcement would only investigate if dangerous and/or in the public interest.

Councillor Harris stated he did not feel the fence was causing a danger to the front of the property, as it was quite a way back from the junction and there was a green gap between it and the highway. However, to the side of the property it was directly on the highway and could cause a visibility issue.

**Recommendation:** To approach Planning Enforcement to investigate the Tangmere Close planning application and to seek guidance on the fence on Halifax Road.

**287/22 Planning Policy**

**a) WALPA (Wiltshire Area Local Planning Alliance) Update**

Information had been circulated from WALPA updating on recent planning application decisions and changes within Government and potential for changes in planning legislation.

## **b) Neighbourhood Planning**

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

The Clerk informed the meeting the Neighbourhood Plan Steering Group would be handing out leaflets at the Christmas Fayre on Saturday 3rd December. However, these had to be approved prior to the Neighbourhood Plan Steering Group meeting on 30th November due to print deadlines. The leaflets had been designed in conjunction with the Melksham News and would cost £244 for 1000 copies (parish council paying 30%), there would be some costs associated with the design work.

The Clerk asked if Members were happy with the content of the leaflet and sought volunteers to distribute the leaflets at the Christmas Fayre

**Recommendation:** To approve the artwork.

### **ii) To note Housing Needs Assessment has now been published.**

Members noted the Housing Needs Assessment had now been published and included some really useful information.

The Clerk explained developers who had previously requested a copy and been sent one.

### **c) 5 Year Land Supply. To consider a request from Wiltshire Councillor Nick Holder to lobby central government to remove the erroneous 5 year land supply figure.**

As discussed earlier in the meeting, Councillor Nick Holder had written to the Parish Council requesting it lobbied Central Government and wrote to Michelle Donelan MP requesting the 5 year land supply figure be removed from all planning procedures to ensure that all planning approvals were in line with the policies that have been approved by local residents in the Neighbourhood Plan and Wiltshire Council in their local plan (Core Strategy).

**Recommendation:** To write to Michelle Donelan MP requesting the 5 year land supply figure is removed from all planning procedures with a copy to Wiltshire Area Local Planning Alliance (WALPA).



**d) Wilts & Berks Canal, Melksham Link. To note Wiltshire Council Planning have agreed to call a meeting with the Environment Agency and the Wilts & Berks Canal Trust to discuss their outstanding objections to the current planning application.**

The Clerk explained within the minutes of the Wilts & Berks Canal Branch meeting dated 15th November, it stated a meeting had taken place with representatives of the Canal Trust, the Environment Agency and the Wiltshire Council Ecologist, which had saved the costs of the Canal Trust talking to Environment Agency officers separately. The Environment Agency still had a negative view of the project, unfortunately, not much progress was made. The Wiltshire Council Ecologist had also put some points forward that the Trust would have to look at. The Melksham Link Team were waiting until the official Minutes came out before commenting any further. At the meeting it was asked whether the Environment Agency had accepted there was no need to have a weir within the project, and that there was no other mitigating action needed from the Wilts & Berks Canal Trust' but were waiting for the minutes from that meeting to be produced.

Councillor Harris stated the Environment Agency seemed to be placated now the second weir had been removed from the scheme. However, there was a new Ecology Officer at Wiltshire Council who had raised several things, including the erosion by boats. However, it was noted there has always been boats on canals and rivers for years and questioned why was this an issue now.

Councillor Baines expressed a concern that without the additional weir there may not be sufficient water levels for the canal boats to navigate the river.

Councillor Harris explained the river levels had been monitored very carefully over the Summer period and given how dry it had been it had been decided there was not an issue with the water level and therefore the second weir was not needed.

Councillor Baines stated he understood the problem was the invert under the town bridge to get sufficient water in order to give clearance over the invert.

**e) To consider including in comments back to Wiltshire Council and a policy in the Neighbourhood Plan that proposals for new housing need to increase ecological mitigation and enhancements in order to increase biodiversity and wildlife.**

The Clerk explained quite often the Salisbury & Wilton Swift Society commented on large planning applications with regard to increasing ecological mitigation and enhancements and requested inclusion of bird, bat and bee bricks, reptile refugia and hibernacula, in order to increase biodiversity and wildlife.

It was understood Trowbridge Town Council had agreed to put this request in to every planning application for a new dwelling and sought a steer if Members wished to do the same.

**Recommendation:** In commenting on proposals for new housing, to ask for provision of bird, bat and bee bricks, reptile refugia and hibernacula in order to increase biodiversity and wildlife in developments and to similarly request the Neighbourhood Plan Steering Group give consideration to including a similar policy.

## **288/22 S106 Agreements and Developer meetings: (Standing Item)**

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

#### **i)C Hunters Wood/The Acorns:**

The Clerk noted Councillor Holder was still present and as the item was confidential sought a steer from Councillor Wood, as Chair, if he was happy Councillor Holder remained.

Councillor Wood felt as Councillor Holder was a Wiltshire Councillor and this issue was something he had been working on with the parish council, he was happy for him to remain.

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

The Clerk explained plans for the footpath to the rear of Melksham Oak School had been included in late papers and were not yet in the public domain and still subject to change.

It was noted Wiltshire Council were still in discussions with the developers of the East of Melksham regarding the toucan crossing, in order to establish construction whilst the road remained closed. The senior leadership team at Melksham Oak had reviewed the plans and were in agreement with the proposals. The ecological survey was still incomplete, however generally the news was positive in terms of issues found so far.

Two plans showing the footpath route were shown to Members for their information.

It was noted there did not seem to be proposals for any lighting along the footpath.

#### **ii) Bowood View:**

- To receive update on village hall, play area**

The Clerk explained the village hall was going well, with the minutes of the recent committee meeting available. However, it would be February before it was fully operational for new bookings.

Regarding the transfer of the Bowood View Play Area, the Clerk explained she was currently chasing Bellway solicitors on this prior to the handover of the play area to the parish council and hopefully, they would have responded by the next Full Council in order to move forward on the transfer of the play area.

- **To note, notes of residents meeting held on 9 November**

Members noted the notes of the residents meeting held on 9th November.

The Clerk explained the intention had been to set up a Residents Association, however, residents had automatically become members of the Bowood View (Melksham) Management Company, as residents and therefore, it had been felt there was no need to have two groups.

The Clerk explained as part of the Melksham Neighbourhood Plan Review, one of the green spaces at Bowood View had come forward. On contacting Alexander Faulkner, the Management Company, they had put the query to one of the Directors of the Bowood View Management Company they had insisted all residents needed to be informed and their permission sought.

- **To approve undertaking letter/leaflet drop to residents seeking approval for a footbridge over brook into adjacent development for 144 dwellings (PL/2022/02749), permission for patio/terraced area outside village hall and permission for green space designation in the Neighbourhood Plan**

The Clerk explained approval was required from the residents of Bowood View, who were all members of the Bowood View (Melksham) Management Committee to install a footbridge over the brook into the adjacent new development which was currently going through the reserved matters application process. Permission was also required for a patio/terraced area outside the village hall. With regards to planning permission Wiltshire Councillor Seed had intervened and Planning had said to just carry on. As stated previously, permission was required for a green space designation and therefore sought approval from Members to undertake a leaflet/letter drop of residents of Bowood View.

The Clerk explained the costs associated with the leaflet was £49 for 150 leaflets, which could also include information on the village hall and CPR training available at the village hall in the new year.

**Recommendation:** To approve undertaking a leaflet/letter drop at Bowood View costing £49 for 150 leaflets for hand delivering.

**iii) Pathfinder Way:**

- **To receive update on Pathfinder Place Lights**

Correspondence had been received from Wiltshire Councillor Nick Holder with an update from Taylor Wimpey on the Pathfinder Place lights/pedestrian crossing and other matters, such as the cycle path between Tedder Gardens and Birch Grove and difficulties residents were having with the management company.

- **To receive update on Play Area**

The Clerk had written to Taylor Wimpey seeking an update on when the play area would be ready to be adopted by the parish council.

Taylor Wimpey had responded to say the play area contractor was awaiting delivery of some items and once installed, which may not be until February 2023, they would be in a position for the final inspection and to hand over to the parish council.

The Clerk had written regarding the following:

- Seeking permission to plant a tree to commemorate the Queen's Jubilee year in 2022. Taylor Wimpey had stated they were happy with this, as long as it was an appropriate species and located in an appropriate position.
  - Whether additional planting could be installed to the rear of the public art, following a complaint it would look better with a darker background. Taylor Wimpey had responded to say they would liaise with the necessary parties to gauge their views in anticipation for implementing the additional planting to provide a 'backdrop' for the art feature.
  - Provision of life buoy rings at the attenuation pond. Taylor Wimpey had responded to say these had been ordered and were awaiting an installation date from the contractor.
- **To receive update on residents meeting on 29 November**

The Clerk explained the residents meeting on 29th November had been postponed and would be re-arranged for early in the new year and would update Members of the revised date in due course.

- iv) **Townsend Farm (Rear of), Semington Road (20/07334/OUT). Appeal site for 50 affordable homes. To consider where the play area contributions should be allocated, following submission of planning application (PL/2022/08155) for 53 homes on adjacent site.**

The Clerk explained the council had previously approved the play area contribution from this development of between £10,000-£12,000 to contribute towards Bowood View play area. However, she had sent a holding email to the Play Officer at Wiltshire Council, as since approval, a developer had come forward with proposals for 53 houses to the rear of this site and therefore, as there could be connectivity between the two sites this may trigger the need for a play area to be provided. Subsequently the parish council had met with Sovereign Housing the developers for the 50 dwellings and they had indicated they would be prepared to install a play area.

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

No decisions had been made under delegated powers.

**d) Contact with developers.**

The Clerk explained Terra Strategic, the applicant for 53 dwellings on land West of Semington Road and contacted the parish council at the end of the previous week seeking a meeting.

The Clerk had responded to say the planning application would be discussed at this Planning Committee, highlighting the Neighbourhood Plan Pre Application Policy. They had responded to say they could get an extension from the planning officer, prior to the parish council making comments.

The Clerk asked as the parish council had already made their comments earlier in the evening, whether members wished to meet them.

Councillor Wood noted usually the parish council met applicants at pre app stage before a planning application is submitted.

**Recommendation:** To submit the Planning Committee comments relating to planning application PL/2022/08155 and arrange a meeting with Terra Strategic, in order to discuss concerns the parish council had with the application in the hope the concerns would be taken on board.

**i) Update on meeting held on 17 November with Living Spaces & Sovereign Housing regarding site to rear of Townsend Farm on Semington Road (20/07334/OUT) for 50 affordable Homes**

Members had been circulated the notes of the meeting held with Living Spaces and Sovereign Housing regarding proposals for 50 affordable homes.

Councillor Wood felt it had been a really good meeting, albeit the council had been opposed to the site. Proposals were to build environmentally sound buildings which would be 10% larger than usual which was encouraging.

The Clerk explained Sovereign had arranged a meeting with the Chair of the Residents Association of Townsend Farm already.

The Clerk asked if the notes of the meeting could be forwarded to the Chair of the Townsend Farm Residents Association in order they could be referred to at their meeting on 30 November, which Members agreed.

The notes of the meeting are as follows:

Those present included: Councillors David Pafford, Richard Wood; Alan Baines; Mark Harris; Teresa Strange; Lorraine McRandle; Linda Roberts (Town Clerk, Melksham Town Council); Wiltshire Councillor Jonathon Seed (Melksham Without West & Rural); Luke Webb, Senior Planning Manager, Living Spaces; Raphael Cohen, Head of Project Management, Sovereign Housing.

Luke explained Living Spaces were very keen to work with the Parish Council through the planning process for 100% affordable housing, in order to ease the process as it progressed and noted the parish council had been opposed to the original planning application.

Both Councillor Wood and Baines clarified the reasoning for the parish council opposing the application, particularly as the development was completely in the wrong location, outside the settlement boundary and a distance from local facilities, including schools and shops but recognised needed to work together in order to get the best outcome for everyone involved.

Luke provided an indicative map of the layout of the site and explained the types of houses were still to be finalised, however the site was made up of 60% affordable rental and 40% shared ownership.

Luke explained Living Spaces were a fairly new company and were working with registered providers such as Sovereign to build homes.

The plans showed:

4 x 1 bed maisonettes (Affordable Rental)  
3 x 2 bed bungalows (Affordable Rental)  
24 x 2 bed houses (19 Affordable Rental, 5 Shared ownership)  
14 x 3 bed houses (3 Affordable Rental, 11 Shared ownership)  
5 x 4 bed houses (1 Affordable Rental, 4 Shared ownership)  
**TOTAL 50 Homes**

(Affordable rent equating to 65-75% of open market rent)  
(Shared ownership equating to 80% of a full-blown mortgage)

Luke explained there would be no 'First Homes', under the new Government initiative as the Section 106 legal agreement was signed before this new Government scheme was introduced.

Raphael explained Sovereign Homes had been established in 1989 and currently had 67,000 homes across the Country with over 2000+ in Wiltshire. These had mainly been delivered through Section 106 Agreements, but had recently been working towards having their own sites, in order to have more control over the design. There were a few smaller sites in Wiltshire, with this site being the largest, which was seen as a flagship site for Sovereign Housing.

Properties provided would be above the National Described Standard, larger, more sustainable and include heat source pumps, PV panels and electric charging points thereby reducing costs for residents.

Raphael explained Sovereign were in the process of collating data on their more sustainable homes to compare to previous homes delivered, in order to establish the benefits of providing such homes.

Councillor Harris asked if batteries for energy storage would be provided.

Raphael explained diverters would be supplied and would be looking into whether batteries could be provided given the extra costs, however, would be looking at ways to capture energy in order not to lose it.

Councillor Seed asked how many dwellings would be above 2 storeys, given some 3 storey dwellings were included in the outline plans.

Raphael clarified it was proposed to have no properties above 2 storeys on the site.

Councillor Seed, whilst noting the properties would be affordable rental, as opposed to social rental, sought clarification if Sovereign would be using the open market list.

Raphael clarified Sovereign would be using 75% of Wiltshire nominations and 25% from Sovereign's database and using local connection criteria.

The Clerk of Melksham Without Parish Council stated the Neighbourhood Plan Steering Group had commissioned an independent Housing Needs Assessment, as part of the review of the Neighbourhood Plan and would forward this on to both Luke and Raphael for information on housing mix (type and tenure) etc.

Councillor Pafford sought clarification on what support would be provided to residents.

Raphael explained Community Development Officers and Employment Trainee Officers would be available to support tenants with things such as community cohesion, integration and assist people with trying to get into employment and access training.

Both Councillor Pafford and the Clerk to Melksham Without Parish Council explained the parish council had experienced problems when residents took occupation in a new development but the management company was not yet in place, which often took several years. However, in the meantime, unhappy residents would contact the council for help as bins were unemptied, play areas built but not open, and therefore sought assurances this would not happen on this site.

Raphael explained as soon as the site was complete, it would be handed directly to Sovereign to manage and maintain, no management company would be involved and hoped this would not happen. However, if it did, to contact Sovereign directly who would respond.

The Clerk to the Town Council sought clarification if Sovereign had success with 100% affordable housing sites, elsewhere.

Raphael explained Sovereign had other sites elsewhere in the Country which were 100% affordable and these seemed to work, as they tended to be smaller sites. The 60% affordable, 40% shared ownership ratio model also seemed to work well and provided a balanced community.



The Clerk to Melksham Without Parish Council noted there was no provision for a play area or anywhere for children to kick a ball and whilst another play area was available at the nearby Bowood View development, which the parish council were in the process of adopting, noted an outline application had been submitted for another 53 houses adjacent to site, amounting to 100+ houses with a lot of children and asked if there were plans that these two sites would be integrated with one another.

Raphael explained he was currently in discussions on putting in a play area in the north west corner of the site.

Luke explained Living space were part of a group, including Terra Strategic who had submitted the application for the adjacent site, however they were a separate entity and there was no obligation for this site to come through Sovereign.

Raphael explained he would welcome discussions with the developers of the adjacent site, if approval was granted, on how both sites could integrate more effectively.

The Clerk to Melksham Without asked if discussions could take place on the provision of bus shelters along Semington Road, given the other new developments taking place who would also be providing shelters in order to make sure that there was not bus shelters in the same place. Both the town and parish council were currently having discussions on providing real time information in bus shelters and therefore any shelters provided needed to have the capabilities for this to be installed (typically taller than a standard shelter and with electricity supply).

Luke and Raphael were informed the residents of Townsend Farm had their own Residents Association and were concerned they still had a right of access to the rear of their properties and a right to discharge from their septic tanks to the fields and would appreciate engaging with Living Spaces as this stage. The Clerk to Melksham Without Parish Council explained she would forward their contact details in due course, once she had sought their permission.

Raphael highlighted on the plans a gap between the rear gardens of the proposed properties and Townsend Farm and stated he was looking at the possibility of providing some form a gate with a key code at the entrance, in order that only those with the code would be able to access the area, which Members welcomed.

The Clerk asked if new residents could be informed of the new village hall which had just been built nearby at Bowood View which, as of the previous evening, now had a committee to run the facility.

Councillor Pafford asked if the community support team mentioned earlier in the meeting could be operational before residents moved in, bearing in mind issues the council has experienced with residents moving into a new development, which has not been fully handed over to a management company, with residents contacting the parish council to resolve issues.

Wiltshire Councillor Seed stated there should be something included in Section 106s moving forward to bridge this gap. Raphael felt this would be useful, as well as including a condition to get a certain percentage of people into employment from a development, working on the site or employing people locally to work on the site.

Wiltshire Councillor Seed sought clarification if the site would include social rented accommodation. Raphael confirmed it would be affordable rent and sought clarification from Councillor Seed what he understood the difference to be between social and affordable rent.

Councillor Seed confirmed from Wiltshire Council's point of view which band people sit in depending on who could apply, with those on a higher band, not being eligible to apply for social rented accommodation, the equity share mix which comes off the open list was also different.

Councillor Seed explained the biggest problem in Wiltshire, which was unaddressed, was how easy it was for people who qualify for social rented housing to get it. However, those not being helped, were those who have a job, which is low paid on their first rung of advancement in life, but do not qualify for social rented, as they are just above the social rented threshold. However, noted hopefully they would qualify for affordable rented accommodation on this site, which was welcomed. Particularly as those in this category were having to live with their parents for longer than expected.

Councillor Harris raised a concern whilst the site would start off at 100% affordable, as time moved on people could qualify to purchase their homes and therefore the number of affordable homes available on the site would reduce.

Raphael clarified they would only be able to purchase 75%, however, if a rural exception site they would be able to purchase 80%, but would check whether the site was in a rural exception site area and whether it qualified for 80%, however, with shared ownership can eventually have 100% share in a home purchased under the shared ownership scheme. Councillor Seed queried the percentage share, which Raphael agreed to investigate. However, the rented units would remain, with residents having some rights.

Councillor Seed understood there was a ceiling, to enable homes to remain affordable and only be sold at 75% of the current market value. Raphael clarified there was usefulness in both elements i.e., affordable in perpetuity and owning a home outright and understood the latter was relevant to this site, but would investigate.

Councillor Seed felt with these types of schemes, there tended to be more 'buy in' with regard to maintenance and residents having a sense of pride in their neighbourhood.

Luke explained he would investigate the wording in the Section 106 Agreement with regard to tenure mix and get back to the Clerk later in the week.

Clarification was sought if the development was outside the settlement boundary.

Luke confirmed the site was outside the settlement boundary but was approved on appeal.

Councillor Seed stated if outside a settlement boundary a site was classed as development in open countryside and therefore rural exception site rules would apply.

With regard to Section 106, Councillor Seed explained there had been issues with s106 Agreements, which had been brought to the fore at Wiltshire Council at Cabinet level, mainly due to the actions of Melksham Without Parish Council which was welcomed.

Councillor Pafford suggested the Clerk and Councillor Seed check with Wiltshire Council what exactly was included in the Section 106 and what regulations applied, particularly if classed as a rural exception site.

Reassurances was sought that contact would be with the same people going forward, given experience of other developments in the area. Luke explained he would be the point of contact for Living Spaces until they were off site, then it would be handed over to Sovereign who would have one point of contact.

Raphael explained once the site had been handed over to Sovereign, he would be on site at least once a month and was happy to meet up with the parish council to discuss any issues and would also be around at some point during construction.

The Clerk to Melksham Without Parish Council thanked both Luke and Raphael for the meeting to discuss proposals, prior to the reserved matters application being submitted and explained the Housing Needs Assessment for the Neighbourhood Plan had

recently been completed. The report, which would be published later in the week, highlighted people in Melksham cannot afford a first house at present, the report also included the tenure mix specific to the area, as well as and size of housing sought in the area.

Having looked at proposals, the Clerk to Melksham Without felt the housing mix would meet the needs of residents, as it included smaller homes, compared to 4 to 5 bed houses, which were not affordable to most people in Melksham as identified in the Housing Needs Assessment.

Luke explained he was currently working up the application pack including type of housing and would share these with the council prior to submission and was happy to answer any questions going forward.

Councillor Seed welcomed proposals for the site with regard to energy efficiency and reducing running costs for residents. It was noted a scheme in Seend included similar energy efficient homes, which the Clerk to Melksham Without agreed to forward details.

The Clerk to Melksham Without explained one of the other developers on Semington Road had to make the pedestrian route across the A350 (Western Arm) less desirable, given the amount of traffic using this route and encourage people to use the main crossing provided on the Eastern arm of the A350.

It was asked if an impermeable hedge be planted, to stop residents from trying to access the Western Arm crossing, across the A350 from the Northern part of the site, particularly children accessing Aloeric School, which is the nearest primary school, as there isn't one in Berryfield. It was noted there were proposals for a primary school in Pathfinder Place in Bowerhill, however, a contract had yet to be awarded.

Luke confirmed there were no proposals to remove any planting adjacent to the A350.

It was noted some parents may wish to send their children to St George's School, Semington, however, it was understood this was currently full. It was unclear if Aloeric School was currently full.

It was noted there was no shop in Berryfield, with the nearest shop being the petrol station on Semington Road in Melksham.

Raphael confirmed the following contributions were included in the Section 106 Agreement:

£206,338 for Primary Education

£70,000 for Highways Improvements  
£105,132 for Early Years Education

Luke queried where the early years provision would be provided. The Clerk to Melksham Without Parish Council agreed to investigate this.

Councillor Wood stated some form of early years provision at the new Berryfield Village Hall would be welcome.

**ii) Update on meeting to be held on 24 November to review the current housing allocation in the current Melksham Neighbourhood Plan**

The Clerk suggested as the notes from the meeting on 24 November had only just been circulated, whether Members wished to defer these until the Planning Committee meeting on 19 December in order they could be included as part of the minutes.

**Resolved:** To defer this item under the Planning Committee Meeting on 19 December.

Meeting closed at 8.38pm

Signed.....  
Chair, 5 December 2022