

**MINUTES of the Planning Committee of Melksham Without Parish Council held
on Monday 4 July 2022 at Melksham Rugby Club, Oakfields, Eastern Way,
Melksham, SN12 7GU at 7.30pm**

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

Officers: Teresa Strange, Clerk and Marianne Rossi (Finance & Amenities Officer)

98/22 Welcome, Announcements & Housekeeping

As Councillor Wood had tendered his apologies, Councillor Baines as Vice Chair, chaired the meeting and welcomed everyone to the meeting.

99/22 To receive Apologies and approval of reasons given

Apologies for absence were received from Councillor Wood who was on holiday.

Resolved: To approve and accept the reasons for absence.

100/22 Declarations of Interest

a) To receive Declarations of Interest

As her husband was a member of Whitley Golf Course, Councillor Mary Pile declared an interest in planning application PL/2022/04491: erection of netted golf ball stop fencing along with 5 flood lights to existing driving range area at Whitley Golf Club.

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.

101/22 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.

Given the confidential nature of the items to be discussed, the Clerk suggested items 9a regarding updates from WALPA, 9d regarding the appeal decision for 50 houses on land to the rear of Townsend Farm and 11c regarding contact with developers be discussed in closed session.

Resolved: These 3 items be held in closed session for the reasons given.

102/22 Public Participation

None present.

103/22 To consider the following Planning Applications:

[PL/2022/04198](#): Grassmead, 113 Beanacre. Use of annex as a single self contained dwelling (C3).

Comments: The parish council have no objection to this application, however, they have no knowledge whether the statement made in the planning statement; that the annex has been occupied continuously in excess of 4 years; is true. The council wished to query whether any evidence was sought to prove that this was occupied as a separate dwelling, such as council tax payments made to Wiltshire Council or utility bills.

[PL/2022/04365](#): 47 Westlands Lane, Beanacre. Change of use to use a detached garage for Airbnb and ancillary accommodation to the house.

It was noted within the application form that the applicant had ticked to say they were not aware of flooding in the area, however, the Council noted flooding had taken place in this area, including to internal property.

The applicant had also ticked the application form to say they would connect to the main sewers, however, there is no mains drainage in Beanacre and whilst Wessex Water are currently investigating the possibility of installing mains drainage in Beanacre, a final decision has yet to be made.

Comments: Members object to this application, as the site is in an area of known flood risk, including to property. There is no mains drainage available in Beanacre and would have to connect to a septic tank. Members also raised concern at the loss of use of the garage for parking.

Members asked, if the application were to be approved, that a condition be imposed that the detached garage and room above cannot be converted into a separate dwelling in the future and must remain as ancillary accommodation to the house.

Post meeting, it was noted, within the decision notice for the detached garage with room above (17/06561) dated 10 October 2017, that it stated under point 2: The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 47 Westlands Lane, Beanacre and it shall remain within the same planning unit as the main dwelling.
REASON: This application assessed the acceptability of a garage and not a wholly separate dwelling which would require further detailed assessment.

[PL/2022/04447:](#) 43 Berryfield Park, Melksham. Porch with brown slate roof to front of Property.

Comments: No objection.

[PL/2022/04491:](#) Whitley Golf Course, Corsham Road, Whitley. Erection of netted golf ball stop fencing along with 5 flood lights to existing driving range area.

Comments: No objection. However, Members ask that the flood lights are down lit, to avoid light pollution in the countryside and suitable restriction are in place on the times the floodlighting can be used in order to protect wildlife.

104/22 Revised Plans To comment on any revised plans received within the required timeframe (14 days)

None received.

105/22 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

The clerk explained she was having to contact Planning Enforcement at least once a week regarding lorries accessing the battery storage facility on

Westlands Lane via the bridge, which had a weight limit, and had provided with video evidence of a vehicle being hit along the lane.

It was suggested if the registration was visible from the evidence provided, that this could be forwarded to the Police to investigate.

It was noted the bridge belonged to Network Rail and that they should be made aware that HGVs were using it, despite having a weight limit.

Councillor Baines explained he had reported a sign overhanging the highway in Woodrow which was investigated by Highways and subsequently removed, however the post was still in situ and stated he understood any such signage would require planning consent, whether on highway land or within the property boundary.

Councillor Baines also expressed concern the site was being used for a business venture without planning permission.

Recommendation: To contact Network Rail expressing a concern the bridge on Westlands Lane was being used by HGVs exceeding the posted weight limit.

106/22 Planning Policy

a) WALPA (Wiltshire Area Local Planning Alliance) Update. To consider next steps and any specific support of WALPA objectives

Members had been circulated various items of correspondence from WALPA.

Councillor Baines noted within the housing approvals since 2020 that the 144 dwellings on Semington Road had been listed under Semington and needed to be corrected to say in Melksham Without.

Councillor Baines noted under Point 2.2.4 it stated 'affordable housing issues were being used to leverage the presumption in favour of approving planning applications, with no consistent response as yet by Wiltshire Council' and suggested the appeal lost at Townsend Farm due to a change to 100% affordable at appeal stage be highlighted to WALPA.

WALPA were congratulated on all their hard work in highlighting all the issues many councils were experiencing, including the parish council and noted discussions had been held with James Gray, MP for Malmesbury with a suggestion the parish council also raise their concerns with Michelle Donelan MP.

Councillor Pafford noted WALPA were asking all the right questions, with some being rejected by Wiltshire Council on the basis that some were a matter for Government, however when the Government make clearer

their views on planning, Wiltshire Council will be able to make progress with their Local Plan, which would help the Neighbourhood Plan Steering Group who were currently working in the 'dark', as the group did not know what would be in the Local Plan.

Recommendation: To discuss the Council's concerns with Michelle Donelan MP.

To formally inform WALPA of the appeal upheld for 50 affordable houses to the rear of Townsend Farm, Semington Road.

a) Future Chippenham Project. To note the recent High Court judge ruling in favour of Wiltshire Council

Members noted the High Court judge had ruled in favour of the Future Chippenham Project, despite a challenge by a local campaign group.

b) Neighbourhood Planning

i) To note minutes of Steering Group meeting held on 29 June or receive verbal update if not yet available

Unfortunately, the notes of the meeting were unavailable, with the meeting only having taken place the previous week.

The Clerk explained that the Planning Inspectorate, in his report for the appeal for 50 dwellings to the rear of Townsend Farm, had commented that the Melksham Neighbourhood Plan did not include a 'buffer policy' and following a conversation with the Neighbourhood Plan Consultants, it was suggested there was an opportunity to include a landscape gap/buffer policy in the review. It has also been suggested by the consultants that it would be helpful to employ a landscape architect to undertake the work involved.

The Clerk explained consultant fees for Neighbourhood Plans funded by a Locality grant were capped at £500 a day and as long as the landscape architect fees were within this range, and suggested that the steering group/qualifying bodies did not need to seek alternative quotes as within a pre-agreed national price range. The work was estimated to take 2/3 days. These costs would also be shared with the town council who at the meeting had not been able to confirm if they were within their delegated budget spend for the Neighbourhood Plan project so would probably have to go back to their Full Council meeting too.

The Clerk explained she had also asked the Neighbourhood Plan Consultants if a policy needed to be included in the plan of where sites will not be acceptable as highlighted by an Appeal upheld in a Wiltshire town. The Consultants felt as sites were currently

being assessed by AECOM as to their sustainability, there would be no need for such a policy as the evidence would suffice. It was hoped the site assessment work would be completed by the Autumn, with the next Steering Group meeting planned for the end of September.

The Clerk also explained the AECOM Site Assessment reports were a useful tool in commenting on planning applications as to whether a site was suitable for development or not; especially as independently assessed.

Councillor Pafford welcomed the progress being made on the Neighbourhood Plan review, which was on track with the proposed timetable.

Recommendation: The Neighbourhood Plan Steering Group include a landscape gap policy within the Neighbourhood Plan and to employ a landscape architect to draw up such a policy; within the cost guidelines indicated of circa £1,500-£2,000 with the parish council funding 30%.

ii) To consider any queries/requests following that meeting

There were no queries following the meeting other than the funding one above.

iii) To reflect on responses to planning applications for review of the Neighbourhood Plan

The Clerk explained this was a standing item, in order to consider any responses to planning applications that would be useful to include in the Neighbourhood Plan review. Comments made in response to several planning applications had already been submitted to the Neighbourhood Plan Consultants for consideration for inclusion in the neighbourhood plan review.

Councillor Harris noted the parish council in responding to planning applications for annexes often asked for a condition that these are not used as separate dwellings and whether a policy on this could be included within the plan.

Recommendation: That the Neighbourhood Plan Steering Group look at a policy regarding annexes not being used as separate dwellings.

c) To consider response from correspondence with Wiltshire Council and Government ministers following appeal decision on APP/Y3940/W/21/3285428: Semington Road

Councillor Pafford explained that within late papers was a letter to Parvis Khansari, Corporate Director, Place, Wiltshire Council from the Clerk regarding the Planning Inspector's decision to approve an application for 50 dwellings to the rear of Townsend Farm.

Councillor Pafford explained the matter of the application being amended at appeal stage to 100% affordable housing and approved by the Inspectorate given the lack of affordable housing in Wiltshire had also been raised at a recent Neighbourhood Plan Steering Group meeting where it had been noted that this did not conform to Wiltshire Council policy and therefore it had been agreed to raise this with them, stating as follows 'are Wiltshire Council happy that the Planning Inspector took heed of all the Wiltshire Council Core Strategy policies in forming his decision? In particular, "Core Policy 43 Providing affordable homes" in terms of point 6.43 **developing mixed, balanced and inclusive communities** and as part of the policy "On site distribution and standards". **Affordable housing units will be dispersed throughout a development** and designed to a high quality, **so as to be indistinguishable from other development.**

Was the impact of 50 affordable housing dwellings all in one place clearly examined?'

The Clerk reminded Members that Wiltshire Council had also been asked how they were going to look at speculative development in the future, given the Planning Inspector noted the Neighbourhood Plan met Paragraph 14 protection and also what response they would have if the developers came back to say the site was not viable due to the development being for 100% affordable housing.

Councillor Pafford raised a concern the developers could come back with proposals to develop the rest of their site with market value housing, particularly as they now had 100% affordable housing on part of their site.

107/22 Melksham Link Wilts & Berks Canal Project

a)To note update on planning application from latest Wiltshire Swindon & Oxfordshire Canal Partnership meeting 9 June

Councillor Baines noted the planning application for the canal was still stalled due to ongoing discussions with the Environment Agency.

Councillor Pafford highlighted within the minutes of the above meeting it stated: 'for clarity the current planning application is seeking permission for

the original route' and noted there had been some confusion of late on what route was being considered as part of the planning application. It was also noted the Canal Trust had recognised proposals to build 900 houses, as enabling development, in order to build the canal was not a popular policy in the Melksham area.

Councillor Baines noted there was reference in the minutes to the canal proposals being part of the Neighbourhood Plan, which was not the case, as the plan only supported safeguarding a route for the canal.

Councillor Baines noted at both this meeting and the local canal group meeting, one of the members was purporting to represent the residents of Berryfield, however, they were a resident of Berryfield themselves and did not have a remit to represent residents' views.

b) To consider information provided by local stakeholders and agree any future action

The members noted comments in the minutes of the Partnership meeting of the 9th June.

Members raised concerns that whilst members of the Canal Link Project Team had met with the parish council to discuss their proposals the council had not made a decision on those proposals and certainly not on finding alternative funding streams which had been reported in the Minutes.

Councillor Baines noted once the planning application for the canal had been determined, the parish council may wish to undertake a full survey of residents of Berryfield, in order the council could represent their views with authority as there may be differing views.

Councillor Harris stated he could not attend the recent Melksham branch meeting, but would be attending another canal meeting the following day and asked if it was the Council's wish that he expressed the concerns of the Parish Council if the question arose.

Members agreed it would be useful for Councillor Harris to express the view of the parish council if the question arose at the meeting.

Recommendation: The Clerk to go back to the Wiltshire, Swindon & Oxfordshire Canal Partnership to explain some of the views being expressed in meetings had not been made by the parish council and should not be taken as the council's views. They also had concerns that a resident of Berryfield was representing the views of the Berryfield residents without a clear remit.

To ascertain if the town council have agreed to find alternative ways of funding the Melksham Link canal project.

108/22 S106 Agreements and Developer meetings: (Standing Item)

a) To note update on ongoing and new S106 Agreements

i) Hunters Wood/The Acorns: Update on Footpath to rear of Melksham Oak School, Community Centre.

The Clerk explained she was keeping the pressure on officers at Wiltshire Council on this issue and was chasing when the proposed meeting was due to take place.

With regard to the community centre the Clerk stated she was chasing this with officers at Melksham Town Council.

The Clerk explained she had had conversations with the Neighbourhood Planning Consultants to ask if it was appropriate, when meeting landowners of potential site(s) to the East of Melksham to include within the Neighbourhood Plan, that discussions could be had around a community centre East of Melksham as part of community gain, which the consultants felt was okay provided evidence of need was presented.

ii) Bowood View: To receive update on play area, bins, and management company

The Clerk confirmed there had been no progress on outstanding matters recently and had made Councillor Seed aware as the Wiltshire Council Ward Member.

The Clerk explained she had provided the Play Area Officer at Wiltshire Council with a list of items the parish council had agreed with the developers for the play area and what had not been done.

Councillor Glover noted Wiltshire Council had a standard specification with regard to play areas, which was different to the parish council specification and suggested Wiltshire Council match their specification with the parish council for those play areas within the parish.

The Clerk explained she had contacted Councillor Holt who lived on Bowood View to keep an eye on what was happening on site to feed into conversations regarding what the developer had still to complete on site.

Councillor Baines asked if the keep out signs were still in place, the Clerk explained whilst she was not aware but would investigate.

The Clerk reported, as part of the Bowood View Section 106 Agreement, improvements had been made to various footpaths in Berryfield with 6 kissing gates improved, improvements to one bridge and improvements to the access of one of the kissing gates with

sleepers to keep walkers out of the mud. Monies for these improvements had come via Section 106 funding from Bowood View, with the Public Rights of Way Officer asking if it was worth looking at possible improvements to MELW3, 4 and 6 as well as part of Section 106 funding.

Recommendation: To seek clarification where the Section 106 funding for the suggested improvements is coming from ie the remaining funding from Bowood View or the proposed new development for 144 dwellings adjacent to this site and to seek further improvements to MELW3, 4 and 6.

iii) Pathfinder Way: To receive update on Play Area, Street works, Public Art, School

Councillor Baines noted there did not appear to be any progress on the play area, the crossings, nor the raising of the footpath, nor the additional barrier to stop children coming out of the play area into the attenuation pond. The Clerk explained the barrier had been ordered and had spoken to Councillor Holder regarding the crossings and whilst it was understood work was happening on the crossing from near the play area over the A365, had concerns there was no fence holding the children back.

The Clerk explained she had written to the Head of Customer Services at Taylor Wimpey to ask when the public art would be installed as it was understood it was coming the week beginning 27th June and noted a council noticeboard was to be installed by them as well, near the public art. The Clerk had also asked where the main public art was to be installed and when the outstanding work in play area would be done and if regular inspections of the play area were being undertaken.

Councillor Pafford noted the poles for the crossing over the A365 from the development had not even been erected as yet, despite reassurances the work would be completed soon. It was noted this particular crossing would be the main one Melksham Oak students would use.

Councillor Glover asked if an update on the proposed new school on this site could be sought.

Councillor Glover noted the works entrance on the Eastern side of Pathfinder Way was supposed to be closed off once complete, however, it appeared residents were using this and not contractors.

Recommendation: To contact Taylor Wimpey to seek clarification on when the works entrance on the Western side of Pathfinder Way will be closed off.

iv) Planning Application 20/07334/OUT Land West of Semington Road (50 dwellings) (Appeal decision APP/Y3940/W/21/3285428): To consider the unilateral agreements and clauses relating to public open space, play area, playing field contribution and recommend way forward to Full Council

Councillor Baines noted that within the unilateral agreement, a leisure contribution of £11,800 to upgrade the Bowerhill Sports Field at Lancaster Road and/or the upgrade of playing pitch and/or ancillary services within the vicinity of the development and explained the council would prefer this money goes towards the upgrade of Bowerhill Sports Field, with the monies being used for line marking and spiking of the pitches for example.

The Clerk reminded Members there was a project still outstanding to install gym equipment at Bowerhill Sports Field and this money could be used as match funding in order to get it installed.

With regard to open space and play area, Councillor Baines noted these were referred to within the document on page 43, as land within the land and forming part of the development, however, on page 42 there was reference to an off site open space and play area contribution, making it unclear whether this meant there would be both and whether it was meant to be either/or.

Councillor Glover noted on page 41 of the document it stated with regard to the Management Scheme: means the scheme setting out the detailed arrangements for the management and maintenance of the Open Space and Play area to the reasonable satisfaction of the Council which scheme shall include full details of the maintenance programme approved by the Council and therefore, if the Council were to take on the play area this suggested there would be a contribution for maintenance.

The Clerk sought clarification if Members wished the Council to take on the play area.

Councillor Baines stated at present the Council did not know what was proposed for the play area and even if a LEAP (Local Equipped Area of Play), which the Council usually took on, was being provided, and queried whether the Council wished to take one on, in this particular development.

Councillor Pafford felt if the proposed play area was completed to a standard and satisfaction of the parish council then maybe they would consider taking it on.

Councillor Glover queried the terminology within the document with regard to who would maintain the play area and who would fund it and how, particularly if the parish council were to take it on.

Councillor Baines noted under the definition of Management Company it stated: means the private limited company to be established by the Owner (and registered at Companies House) the purpose of which will be (amongst other things) to manage and maintain the Open Space and Play Area and therefore, unless the parish council want to take the play area and open space would be maintained by a management company.

The Clerk enquired whether Members wished to meet with the developers to discuss this matter prior to them submitting a Reserved Matters planning application to talk about the play area and the provision of equipment for teenagers and the parish council's preferred standard of play area provision.

The Clerk stated with regard to the provision of bus shelters for new developments, Wiltshire Council always asked for shelters, whether there was available space or otherwise and following a recent site visit, noted it was difficult to find a suitable location for shelters adjacent to the development site.

The Clerk also noted Wiltshire Council always ask for cantilever bus shelters with a perch and sought a steer from Members if they wished to request Wiltshire Council ask for the installation of decent sized bus shelters with sides and suitable seating with the possibility of real time information provision in the future for those in the Melksham area.

Councillor Baines noted following a recent highway site visit that there was only room for a bus stop sign and a timetable case and raised kerbs for North bound buses as there was no room for one for those buses travelling South.

The Clerk explained she had not noted anything with the unilateral agreement regarding improvements/contribution to rights of way in the area.

The Clerk explained Councillor Baines had pointed out the Planning Inspector in his report regarding the appeal for this site had not upheld that the developer should provide a contribution to the canal link (even though he had called it a road) and said it was an aspirational project contained within adopted policies and therefore did not meet the test required for planning obligation towards the canal which was interesting and sought a steer whether Members wished to challenge Wiltshire Council on this comment that their own policies are not good enough for an insistence of a contribution towards the canal.

Councillor Baines noted under Schedule 1: Contributions at point 1.2 it

stated the owner covenants with the council to pay prior to the occupation of the development the leisure contribution of £11,800, as well as other contributions, not when so many houses were built and therefore the contributions needed to be paid up front.

The Clerk noted there was reference to public art and asked if Members wished the Council to be involved with this.

With regard to the play area, Councillor Glover noted that the LEAP at Bowood View did not meet Wiltshire Council's specification for play areas with regard to surfacing and noted Wiltshire Council have a requirement for either safety surfacing or grass not both, which Bowood View had.

Councillor Baines noted on the last map of the Unilateral Agreement a map showed a red line on the adjacent field and questioned if it included the access to Townsend Farm or some of it and felt this needed to be drawn to the developer's attention, as there is a garage there and the access to it is for residents of Townsend Farm.

The Clerk explained residents had raised this issue when commenting on the planning application only to be informed this was a civil matter.

The Clerk agreed to raise this and to alert the residents of Townsend Farm.

Recommendation: To arrange a meeting with the developers to discuss the proposed play area, the provision of bus stops, improvements/contribution to rights of way in the area and a contribution towards Bowerhill sports field, as well as the parish council being involved in the public art scheme for the site.

To ask Wiltshire Council in seeking provision of bus shelters that they recommend (where suitable space), that these are large enough to have adequate seating and not a perch, that shelters have sides and the possibility of the provision of real time information provision in the future.

To highlight to Wiltshire Council the comments made by the Planning Inspector with regard to their policies on the Wilts & Berks Canal and the need for these to be more robust and to also raise with the Wilts & Berks Canal Trust.

Contact the residents of Townsend Farm re the access to the rear of Townsend Farm would appear to be included as part of the development site.

b) To note any S106 decisions made under delegated powers

None.

c) Contact with developers

i)C To consider pre-app meeting request

The Clerk explained this item was in relation to the current Neighbourhood Plan site allocation in Whitley, with the landowners requesting a site meeting prior to submitting an outline planning application.

Councillor Baines emphasised to Members any meeting was confidential.

Recommendation: To arrange a meeting via Zoom with the landowners of the original site in the Neighbourhood Plan, but to make it clear this meeting would only be about the site allocated in the current neighbourhood plan, unless they were about to submit an outline application for the whole site, in which case would meet as a pre app meeting.

ii) To receive update following pre-app meeting held by Town Council on Monday 27 July

Councillor Pafford gave an update on a recent pre app meeting at the Town Hall.

The Town Council do not have a policy of sharing/publicising discussion which are held and therefore these have not been included in the minutes.

Meeting closed at 9.32pm

Signed.....
by the Chair, Full Council, 25 July 2022