

**MINUTES of the Planning Committee of Melksham Without Parish Council  
held on Monday 23 October 2023 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); John Glover (Chair of Council); David Pafford (Vice Chair of Council); Alan Baines (Vice Chair of Planning) and Mark Harris.

**Officer:** Teresa Strange, Clerk & Lorraine McRandle, Parish Officer

**In attendance:** Wiltshire Councillor Nick Holder (Bowerhill) & 1 member of public

**Via Zoom:**

**232/23 Welcome, Announcements & Housekeeping**

The Member of public present was made aware of the fire evacuation procedures prior to the meeting, as well as made aware the meeting was being recorded and would be uploaded to YouTube and removed once the minutes of the meeting had been approved.

**233/23 To receive Apologies and approval of reasons given**

Apologies were received from Councillor Richardson, due to a family event. It was noted Councillor Chivers was not present but had been in hospital recently and the Clerk was not sure if he had returned home yet.

**Resolved:** To approve and accept the reasons for absence of both Councillor Richardson and Councillor Chivers.

**234/23 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.

**b) 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.

**235/23** **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 if Members wished to discuss the comments relating to item 9 and Planning Enforcement update from a resident, these may have to be discussed in closed session.

**236/23** **Public Participation**

Standing orders were suspended.

A resident of Pathfinder Place attended the meeting explaining that they wished to listen to the debate regarding the proposed new primary school off Pathfinder Way.

Councillor Holder reminded the meeting the Appeal Hearing relating to planning application PL/2022/08504 Land south of Western Way was taking place the following day at the Town Hall, which he would be attending to voice his objections, particularly with regard to the access to the site and had encouraged residents of Pathfinder Place to attend the Hearing.

**Pathfinder Way Primary School**

With regard to the proposed new primary school at Pathfinder Way he reminded those present, that this formed part of the original planning application for Pathfinder Place (16/01123/OUT). There is a clause that if the school was not built within 10 years of the land transfer, then the land would transfer back to the developer for housing; as yet the land transfer to Wiltshire Council had not taken place.

Councillor Holder explained that having reviewed the plans, any comments previously made at the pre-app meeting with regard to vehicular access to the site were still relevant. Concern had been raised by residents at the impact of school traffic on Pathfinder Way and had asked if double yellow lines would be installed, in order to stop people parking on the side of the road once the school is open.

The application was for a single-form entry school; however, the design was such that it would allow for an eventual 2-form entry school, which would require planning permission.

Standing Orders were reinstated.

**237/23 To consider the following new Planning Applications:**

**[PL/2023/08046](#)**: Land at Pathfinder Way, Bowerhill. Reserved Matters application pursuant to Outline Planning Permission 16/01123/OUT, relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision).

**Comments:** Having previously met at pre-app stage, the Members noted that some of their comments raised at the meeting have been taken on board, such as the provision of showers, scooter racks and electric charging points which are welcome. However, Members raised the following:

Concern was expressed at pedestrian safety, due to the conflict between vehicles and pedestrians accessing the school via the one entry point.

The potential for traffic to back up in the car park, due to vehicles waiting for a gap in the traffic, in order to turn right.

Given the conflict with vehicles and pedestrians accessing the site, concern was expressed that vehicles wishing to turn right into the school from the Melksham direction and having to wait for pedestrians to cross the access point may cause a backlog of traffic on Pathfinder Way. This will be exacerbated if the proposed adjacent development of 210 dwellings and a 70 bed care home ([PL/2022/08504](#)) is approved at Appeal.

The Parish Council therefore request Left Turn only signage be installed coming out of the school, in order to prevent this conflict. It was noted that there are examples of Left Turn only developments in other areas of Wiltshire, such as on Cepen Park in Chippenham.

Given the above concerns, Members supported the comments made by the Urban Design Officer in relation to the school access ie:

“I continue to share the concerns of colleagues within the Highway Authority regarding the single point of access into the site, and the close proximity of pedestrians to vehicles. Children are not very good at following visual cues on where they are supposed to walk, and tend to take the quickest, shortest possible route from A to B.

In the worst case scenario this may result in children cutting diagonally across the car park to get to the left side of the building. One way in which this scenario could be reduced is to introduce another pedestrian only access gate and footpath further south along Pathfinder Way, in a direct alignment with the footpath that runs along the left-hand side of the car park.”

The comments from the Highway Officer were not published online and available when the Parish Council reviewed the application.

It is noted that it has already been suggested that children from various new developments on Semington Road would likely attend this school and have to use a circuitous route (map attached) to get to the school, as there is no footpath along Western Way ie:

- 17/12514/REM: 150 dwellings (Bowood View) – built and occupied
- PL/2023/00808: 50 dwellings behind Townsend Farm – commenced on site Oct 23
- PL/2022/02749: 144 dwellings (Buckley Gardens) – commenced on site Sept 23
- PL/2022/08155: 53 dwellings behind Townsend Farm, (pending decision).

Concern was expressed that those wishing to access the school from Semington Road, may be tempted to walk along the grass verge of the A365 Western Way, seeing this as a quicker route which is extremely dangerous without a footpath. It would also result in children inhaling the car fumes from the 100s of vehicles travelling along this route.

To this end, Members have urged Wiltshire Council to start work on a safe walking route from Semington Road to the new school, particularly as s106 funds have been pooled from the recent developments.

Disappointment was expressed that the Parish Council's suggestion of an additional pedestrian access to the school off of the A365 (Western Way), via the hoggin footpath adjacent to the school, had not been taken on board, particularly as there is already a crossing and it would provide a safer walking route to school and avoid the conflict of pedestrians and vehicles accessing the school.

Experience has shown in recent years that access and highway issues that the Parish Council have requested at planning and pre app stage for new schools in the parish had not been included as planning conditions or s106 requirements, with Wiltshire Council then having to put them in retrospectively at a greater cost and at their expense. For example, the rear footpath access to Melksham Oak School and the highway access to the new Forest & Sandridge School.

Whilst the applicant has expressed concern at security for the school if an additional pedestrian access is provided, it is noted Bowerhill School has a rear access, which is locked during school hours and has a member of staff on duty at the gate at school opening and closing times. Other local schools also have a second pedestrian access point, and therefore the Parish Council do not believe that there is a threat to the security of the site.

Attention is drawn to the draft Wiltshire Council's School Place Strategy, that states children have a right to walk and cycle to school safely. It is also noted the Travel Plan provided by Hydrock to support the application refers to safe walking routes and is encouraging people to walk and cycle to school, which highlights the need for a safe walking route to the school from Semington Road in particular.

Concern was expressed at the potential for people to park on Pathfinder Way to access the school and the impact this will have, particularly as Pathfinder Way is used by HGVs to access the industrial estate and people wishing to access the residential areas of Bowerhill, as well as being part of a bus route.

Therefore, Melksham Without Parish Council have applied to Wiltshire Council for traffic waiting restrictions on:

- Pathfinder Way (Whole length)
- On the entrances of Newall Road and Maitland Place with Pathfinder Way
- At the proposed new primary school access road on Pathfinder Way

Given the location of the school entrance, just off a roundabout, with a traffic island situated close by, there

is potential for traffic to back up along Pathfinder Way, particularly at the beginning and end of the school day, which coincides with changes in shifts for several businesses on Bowerhill Industrial Estate.

Members would like to see the proposed cladding graduated to blend in to the adjacent green buffer, similar to nearby Great Bear Distribution (Cereal Partners) on the A350/Portal Road, Bowerhill.

Whilst a defibrillator is currently being installed on Pathfinder Way by the Parish Council for community use, Members ask that a defibrillator be provided at the school for their use. This is from the experience at Bowerhill school where the community defib is consistently taken from the community cabinet for use in the school.

Members expressed disappointment that there is no mention of the provision of solar storage batteries within proposals for the school.

Concern was expressed from looking at the Design & Access Statement that it was difficult to see how Phase 2 would fit with Phase 1.

Given the concerns of Wiltshire Air Ambulance (and Wiltshire Council's Public Protection Officer) over the potential for a 'bird strike' as the helicopter leaves and returns to its base at Outmarsh, due to the large number of seagulls nesting in the area, particularly on the flat roofs on the industrial units on Bowerhill Industrial Estate, the Parish Council seek a condition to ensure proofing against seagull roosting and a bird management scheme be put in place.

**[PL/2023/08347](#)**: Land adjacent to existing substation, East of Sandridge Solar Farm, Snarlton Lane, Melksham. Extension of existing substation, including installation of new plant and machinery, fencing and hard standing.

**Comments:** No objection.

**[PL/2023/07756](#)**: Woolmore Farm Buildings, Bowerhill. Variation of Condition 1 (approved plans) on PL/2022/05895 (Redevelopment of redundant farm buildings to provide B1 employment space, involving change of use of existing agricultural buildings, plus erection of new build

B1 offices, together with demolition, construction of a new access with associated parking, landscaping and ancillary works) to facilitate a redesign of Unit 5.

**Comments:** Members feel this application represents a significant change in proposals and is now effectively for residential use, with only office space in garages. They regret the loss of workshops as included in the original design. They **OBJECT** to this application and ask that the applicant submit a new planning application as they feel it is too far from its original consent to be considered as a variation of condition.

If Wiltshire Council is minded to approve this application, there needs to be conditions imposed that the work spaces must remain as such for both its initial use, and subsequent house purchases and that adequate parking is provided in accordance with statutory guidance to cover their use as habitual rooms if used as a bedroom/additional living space and not a work space.

**238/23 Revised Plans:** To comment on any revised plans on planning applications received within the required **timeframe (14 days):**

Whilst there were no revised plans, the Clerk stated a resident of Chapel Lane had notified her that another drainage report had been submitted in relation to planning application PL/2023/05883: 52e Chapel Lane. The report stated there would be a package treatment plant installed to treat waste which would then discharge via a drainage field on site with the resident raising concern at the impact of this proposal, given the high groundwater table, which takes a while to soak in.

Another resident had also expressed concern at this proposal, particularly given the proximity of the proposed package treatment plant to neighbouring outbuildings and the fact the applicant had not approached residents of the lane to discuss where existing septic tanks were located, as it was understood there needed to be some distance from the proposed package treatment plant to existing septic tanks.

The Clerk asked therefore if Members wished to submit additional comments relating to this and highlighting the recent flooding which had occurred in Beanacre in the last week which had caused major disruption, with water having to be discharged to highway drainage, as the septic tanks in Beanacre could not cope with the level of surface water and had caused internal property flooding in Old Road.

**Resolved:** To submit additional comments as stated above.

**239/23 Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.

- a) **Blackmore Farm (Planning Application PL/2023/01949).** Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed use.

The Clerk advised there were no updates to report.

- b) **32 Lancaster Road, Bowerhill (former Christie Miller site) (Planning Application PL/2023/01008).**

The Clerk provided an update on her meeting with Wiltshire Air Ambulance who had raised a concern at the number of seagulls in their flight path particularly over Bowerhill Industrial Estate and the potential for a 'bird strike'.

The Clerk explained at the meeting, a humane way of dealing with the seagulls over the next 3 years had been discussed.

At the meeting the Public Protection Officer had highlighted seagulls usually returned to their place of birth to nest. As seagulls had previously nested on the roof of the former Christie Miller building now Milestones depot, which was subject to a 'live' planning application the Clerk had written to Wiltshire Council Planning, asking for conditions to be applied, to ensure proofing against seagull roosting and a bird management scheme be put in place, with Members noting the additional comments submitted.

- c) **Land to the West of Semington Road (Planning Application PL/2022/08155):** Outline application for up to 53 dwellings including formation of access and associated works, with all other matters reserved.

Noting this application was adjacent to another site, for 50 dwellings (PL/2023/00808) which the developer was referring to as Phase 2, Councillor Glover noted the Clerk had recently circulated information relating to an Appeal in the Malmesbury area, whereby the Planning Inspectorate had commented two separate sites, that were linked, should be treated as one site, rather than separately.

**Recommendation:** The Clerk to send the details of the recent appeal to the planning officer if considered relevant.

**240/23 Planning Enforcement:** To note any new planning enforcement queries raised and updates on previous enforcement queries.

- **489 Semington Road**

A member of the public having contacted Planning Enforcement for an update on whether the proposed garage was being built to plan, had forwarded a copy of their response to the Parish Council, expressing disappointment that Planning Enforcement, having visited



the site, had stated no breach of planning control had taken place at the time of their visit.

The Clerk sought a steer from Members if they were happy with the response from the Planning Enforcement.

**Recommendation:** To keep a watching brief on progress of the garage build.

- **Buckley Gardens, Semington Road:**

Following concerns from residents of Shails Lane that representatives from David Wilson Homes had been using the lane to access the site, as well as construction work appearing to start on site earlier in the day than conditions permitted, Planning Enforcement had been asked to investigate.

The Clerk explained a response had been received from the Planning Enforcement Officer earlier in the day which stated the site manager had been spoken to with regard to complying to working hours limits. They had subsequently asked if there was any evidence by way of videos showing the works outside the approved hours to forward these, as the site manager was not aware when such breaches had occurred.

With regard to Shails Lane, David Wilson Homes had responded to confirm neither they or their appointed contractors had used the lane for access.

With regard to Condition 16 of the planning permission and the erection of hoarding around the site, it was explained there was a legal easement and associated right of access over the access track leading North from Shails Lane which permitted Wessex Water and Cornerstone Telecommunications Infrastructure Ltd to use the track to access their assets and therefore enquiries would need to be made as to whether hoarding/gates across the track could be installed whilst not impeding their legal right of access.

The Planning Enforcement Officer suggested David Wilson Homes were compliant with Condition 16, as hoarding/fencing preventing developers and associated employees/deliveries and traffic from using Shails Lane for construction traffic access had been installed.

The Clerk expressed frustration that a request for the installation of “no construction traffic” signage at the entrance to Shails Lane had not progressed.

**Recommendation:** To write back to Wiltshire Council insisting signage ‘stating no construction traffic’ be installed on the entrance to Shails Lane.

## 241/23 Planning Policy

### a) Neighbourhood Planning

- i) **To note the Neighbourhood Plan minutes of 27 September 2023 (if received) and Confidential Notes to accompany the minutes**

The Neighbourhood Plan minutes of 27 September were not yet available.

- ii) **Cooper Tire Site allocation in NHP#2. To consider contributing to the Neighbourhood Plan consultant costs relating to viability work associated with the site**

#### **THIS ITEM WAS HELD IN CLOSED SESSION**

It was noted the site was now up for sale with discussion taking place on the site and the allocation in the Neighbourhood Plan.

It was noted any subsequent planning application submitted for the site would be subject to the Neighbourhood Plan Policy constraints in Policy 7.1 relating to the site.

**Recommendation:** To approve in principle the Parish Council contributing towards the costs of the Neighbourhood Plan consultant undertaking work associated with the viability of the Cooper Tire site allocation in the reviewed draft Neighbourhood Plan (NHP#2).

- iii) **To note Regulation 14 formal consultation commenced on 16 October and Modifications Statement (changes between adopted and new draft Plan)**

The Clerk explained a Modifications Statement was required to highlight the changes between the adopted and new draft plan with Members noting that the Regulation 14 consultation had started on 16 October for a 7-week period.

The Clerk informed the meeting the Strategic Environmental Assessment (SEA) had been completed and uploaded to the Neighbourhood Plan website earlier in the day.

- iv) **To reflect on responses to planning applications for monitoring of the Neighbourhood Plan**

The Clerk reminded Members this was on the agenda, in order anything coming forward from discussions on planning applications not already included in the Neighbourhood Plan could be submitted

as a response to the Neighbourhood Plan Regulation 14 consultation.

**b) Wiltshire Council Local Plan. To review the emerging response to the draft Local Plan consultation**

Members started to review the response to the draft Local Plan Consultation.

**242/23 S106 Agreements and Developer meetings: (Standing Item)**

**a) Updates on ongoing and new S106 Agreements**

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

The meeting was informed there was no update to report on the footpath to rear of Melksham Oak School.

**ii) Pathfinder Place:**

Members noted the Highway Officer's comments in relation to highway remedial works to be undertaken on site.

The Clerk explained there was no update in relation to the transfer of the play area, which was still with the Council's solicitor in order to clarify access for maintenance vehicles.

**iii) Buckley Gardens (144 dwellings on Semington Road)**

Members noted the update earlier in the meeting.

**iv) Land to rear of Townsend Farm for 50 dwellings (PL/2023/00808)**

The Clerk noted work would appear to have started on site, with Planning being made aware in relation to any S106 triggers.

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

None.

**c) Contact with developers**

The Clerk informed the meeting Bloor Homes were seeking a pre app meeting in relation to their revised Masterplan for their site at New Road Farm, allocated in the Local Plan, with a date arranged for 14 November at 3.30pm.

Meeting closed at 9.41pm

Signed:.....  
Chair, Full Councill, 13 November 2023