

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday 26 June 2023 at Melksham Without Parish Council Offices
(First Floor), Melksham Community Campus, Market Place,
Melksham, SN12 6ES at 7.00pm**

Present: John Glover (Chair of Council); David Pafford (Vice Chair of Council); Alan Baines (Vice Chair of Planning); Terry Chivers; Mark Harris and Peter Richardson

Officer: Teresa Strange, Clerk

In attendance: Wiltshire Councillor Nick Holder (Bowerhill Ward) and one member of public

76/23 Welcome, Announcements & Housekeeping

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

77/23 Apologies had been received from Councillor Wood who was on holiday.

Resolved: To note and accept the reasons for apology.

78/23 Declarations of Interest

a) To receive Declarations of Interest

Councillor Richardson, as a member and shareholder of Shaw and Whitley Community Hub Ltd, declared an interest in planning applications PL/2023/04210 and PL/2023/04523, relating to a proposed community village shop and respective signage at The Pear Tree, Top Lane, Whitley.

Councillor Glover declared an interest in planning applications PL/2023/03847 & PL/2023/04198: Belmont, 410 The Spa, as the applicant was known to him.

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.

79/23 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 item where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.

None to consider.

80/23 Public Participation

A resident of Townsend Farm, Semington Road attended the meeting regarding revised plans for 50 dwellings at Land West of Semington Road (PL/2021/06824) concerned at drainage and flooding issues of the site. It was noted in the comments from the Wiltshire Council Drainage Engineer, that the applicant had not addressed these concerns. Residents of Townsend Farm were also concerned who would be responsible if the development were to go ahead, and if their properties were flooded, as a result and had raised this as a concern in commenting on proposals, but as yet had not received a response.

The resident stated a meeting was due to take place with representatives from Living Spaces and Sovereign Housing, as some of the properties on Townsend Farm had septic tanks which discharged overflow into the field proposed to be built on. Residents had concerns damage could be caused to the soakaways and effect the septic tanks in turn, especially if the area flooded, potentially resulting in sewerage flooding gardens.

Councillor Glover sought clarification from the resident of Townsend Farm if there was currently an agreement in place for properties to have a soakaway onto this land and whether recent conversations had been held with their solicitor on this matter. They also confirmed they had a legal agreement in place, and whilst they had held discussions with solicitors regarding the right of way had not discussed the legal agreements in place regarding the right to discharge overflow from their septic tanks onto the land, confirming only two properties were affected by this issue in Townsend Farm.

Wiltshire Councillor Holder updated the meeting on issues relating to Pathfinder Place, Bowerhill, stating a resident of one of the flats had raised concerns with him regarding fire safety within the ceiling cavities and who over several months had repeatedly requested an inspection be undertaken. An inspection had recently taken place confirming some of the fire curtain work in to the ceiling points had been omitted. Consequently, Taylor Wimpey had agreed to carry out remedial work to resolve this issue on 12 July. Curo had also agreed to speak to the tenants of the flats. Reassurances had been given that the flats on Maitland Place were not affected by this issue.

Taylor Wimpey had asked Curo that retrospective checks be undertaken on their properties, to make sure this had not been done elsewhere.

Councillor Holder informed the meeting he had spoken to the Development Director of Curo regarding this issue and wished to highlight with the Parish

Council, that if any further conversations were to be held with Taylor Wimpey regarding future builds, that the Parish Council seek conditions that they build flats in particular, in line with the requisite safety standard.

With regard to the recent planning application for 210 dwellings and a 70 bed care home on Land South of Western Way (PL/2022/08504). Councillor Holder informed that the meeting, the developer was appealing the decision of Wiltshire Council to refuse the application, stating the lack of a 5 year land supply in Wiltshire, as a reason for the application to be approved, as there are no adverse impacts that could demonstrably outweigh the harm of this development going ahead.

Councillor Baines, asked, as a Member of public was present regarding the revised plans for Land West of Semington Road (PL/2023/0808), if this item could be moved further up the agenda, which Members agreed.

81/23 Revised Plans: To comment on any revised plans on planning applications received within the required **timeframe (14 days):**

PL/2023/00808: Land at West of Semington Road, Melksham. Approval of reserved matters following Outline application 20/07334/OUT approved under Appeal ref APP/Y3940/W/21/3285428 for up to 50 dwellings, (appearance, scale, layout and landscaping). Applicant Living Space Housing

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

The parish council have seen no attempts for the revised plans to address the issues that they have previously raised. In particular, larger areas for bin storage, the lack of visitor parking space provision and lack of turning space for refuse lorries. The arrangements for access to the rear of the properties at Townsend Farm is still not clear. Of specific concern is that the concerns raised by residents of Townsend Farm, the Parish Council and the Drainage Team have not been addressed. This land has often been under water (photos previously sent) and Townsend Farm North and South buildings both have the ability at present for their septic tanks to drain into this adjacent land. Could clarification also be sought as to whether the roads will all be adopted by Wiltshire Council or if some will remain in private ownership, and if some will be in private ownership (brown rather than grey on the landscape plan?) then what impact does that have for future access for refuse lorries etc for access.

This planning application should be considered under its own merits and not in line with the current application for

the neighbouring site, which is still pending a decision (PL/2022/08155). The footpaths at present just go to a fence line, and should give a circular route around the development.

The Parish Council ask that Councillor Jonathan Seed keeps the call in for this application to be considered by Committee in place.

82/23 To consider the following new Planning Applications:

PL/2023/03148: The New Inn, Semington Road. Pizza Parlour and all Weather shelter. Applicant Wiltshire Pub Company.

Comments: No objection, however, the Parish Council do regret that there is a retrospective application for this site again and in future would like to see the planning application before the development is built.

PL/2023/03324: Old Loves Farm, Bowerhill. Replacement windows and doors. (Listed Building Consent).

Comments: No Objection.

Councillor Holder left the meeting at this point.

PL/2023/03751: 113A Beanacre. Proposals for side and rear Extensions

Comments: Members object to the finish of the side extension, as it is out of character with the host building, they also object to the proposed flat roof, which is also out of character with the host building and should be pitched.

PL/2023/03847: Belmont, 410 The Spa, Bowerhill. Rebuild a collapsed garden wall to the rear of the property. Retrospective planning for a patio area. Replace two windows with French doors from the kitchen to rear garden.

Comments: No objection.

PL/2023/04198: Belmont, 410 The Spa, Bowerhill. Rebuild a collapsed garden wall to the rear of the property. Replace two windows with French doors from the kitchen to rear garden (Listed Building Consent).

Comments: No objection.

PL/2023/04036: Snarlton Farm, Snarlton Lane. Erection of

commercial building specifically falling within use class B8, associated works and associated parking.

Comments: No comment.

PL/2023/04210: Pear Tree Inn, Top Lane, Whitley. Proposed Community Village Shop.

Comments: No objection.

PL/2023/04523: Pear Tree Inn, Top Lane, Whitley (Consent to Display an Advertisement).

Comments: No objection.

PL/2023/04546: 16A The Beeches Shaw. Construction of single storey extension to the rear of the property along with internal alterations and roof lantern.

Comments: No objection.

83/23 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

a) Planning Application PL/2021/06824: Proposed garage 489a Semington Road. To note development of a garage appears to be contrary to proposals. The matter has been referred to Planning Enforcement for investigation.

The Clerk informed the meeting, that following concerns of a resident that patio doors had been installed on the garage, making it appear like a dwelling, the matter had been forwarded to Planning Enforcement to investigate.

Members also raised concern the building appeared more like a dwelling than a garage and given the complicated planning history regarding this site supported this matter being investigated by Planning Enforcement.

84/23 Planning Appeal - PL/2022/02675: Land adjacent to 6 Guinea Cottage, Forest Road, Melksham. Erection of a dwelling. To note arrangements to determine the appeal

Members noted the arrangements to determine the appeal, would be via written representation.

The Clerk confirmed the Parish Council's comments relating to this application had been forwarded to the Planning Inspectorate.

85/23 Current planning applications: Standing item for issues/queries arising during period of applications awaiting decision.

The Clerk explained the list of current planning live applications for large developments had been added as a standing item in order to discuss any matters which may arise during the planning application stage.

a) Land West of Semington Road - Application for 53 dwellings (PL/2022/08155 Outline)

The Clerk informed the meeting there were no matters to raise under this item.

b) Land West of Semington Road - Appeal site to rear of Townsend Farm for 50 dwellings (PL/2023/00808 Reserved Matters) To consider specific outcomes for request at the Western Area Committee meeting.

As discussed earlier in the meeting, the Parish Council wished to see the following outcomes/conditions as a result of the application being considered at a Western Area Planning meeting:

- Larger areas for bin storage (to allow for at least 2 bins per property).
- The comments of the Drainage Engineer be addressed.
- Clarification is also sought as to whether the roads will all be adopted by Wiltshire Council, or if some will remain in private ownership, and if some will be in private ownership then what impact would that have for future access for refuse lorries etc for access.
- The provision of a circular footpath route around the development. The planning application should be considered under its own merits and not in line with the current application for the neighbouring site, which is still pending a decision (PL/2022/08155).

c) Land East of Semington Road (Planning Application PL/2023/02749) - Development comprising the erection of 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses of Semington Road. Applicant: David Wilson Homes.

The meeting was informed that whilst the Parish Council had previously agreed a list of street names, which continued the canal theme, as per the adjacent development at Bowood View, confirmation was being sought from Street Naming at Wiltshire Council if any additional street name suggestions were required.

Members were reminded the following street names had already been agreed: Whitworth, Dadford, Hensall, Outram, Sheasby and Smith.

It was suggested if any further street names were required to contact the Canal Trust.

- d) 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.**

Members noted the responses from the statutory consultees, such as Education, Urban Design, Spatial Planning and Rights of Way.

- e) Land at Verbena Court (Planning Application No PL/2023/03797): Modification of Planning Obligation Address: Land at Verbena Court, Melksham. Application to modify obligations contained within the S106 agreement relating to marketing land within the Local Centre pursuant to consented outline planning permission 04/01895/OUTES**

Councillor Baines noted earlier in the day, that Wiltshire Councillor Sankey's 'call in' on this application in order for it to be considered at a Wiltshire Council Planning Committee meeting had been refused.

The Clerk noted at a recent Economic Development Meeting of Melksham Town Council, that they had confirmed they still wished to build a Community Centre on this land and supported the comments the Parish Council had made regarding this application.

The Clerk explained with regard to the 'Call in' request, as the planning application was for a variation/discharge of legal agreements this meant the request did not fall within the scheme of delegation and unfortunately, the condition relating to the site being used for community use had been removed.

On receipt of this information, the Clerk had contacted the Head of Development Management, copying in Councillor Sankey who had subsequently forwarded the correspondence to the Chair of Overview and Scrutiny for Wiltshire Council in order to look at the decision in 2013 and how it was made.

The Clerk explained she understood Councillor Chivers had previously raised the concerns at a Wiltshire Council meeting, but unfortunately having investigated, could not find reference to this being raised. However, the Parish Council meetings at the time made reference to the Parish Council only being aware of the decision 6 months after it had happened, having only been made aware of it by a developer and was about to make a complaint to the Head of Service at the time under a Freedom of Information Request, but could not find an email trail of this, as it was before she was Clerk.

It was noted the Parish Council had transferred the £315,029.94 Section

106 funding associated with providing a community centre, to the Town Council, following the East of Melksham estate being transferred to the Town Council following a Governance Review, with a legal agreement being drawn up between both councils, in the event land cannot be secured in order to build a community centre the monies would be returned to the Parish Council.

86/23 Planning Policy

a) Neighbourhood Planning

- i) To note draft minutes of Steering Group Meeting held on 7 June 2023 (if received).**

It was noted these were not yet available.

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

None to consider.

- iii) To note that appointed substitutes will be attending next Steering Group meeting on 26 July (Councillor Baines & Councillor Wood)**

Members noted Councillors Baines and Wood would be attending the next Neighbourhood Plan Steering Group meeting on 26 July in the absence of Councillor Pafford and Glover who were unavailable.

- iv) To approve budgetary spend to enable quotation from Place to be approved at Steering Group meeting (revised quotation to Plan adoption)**

The Clerk informed the meeting that the Neighbourhood Plan consultants had previously provided a quote in March 2022 in order to get the reviewed Neighbourhood Plan through to the Regulation 14 consultation, submission to Wiltshire Council, examination and adoption. However, additional work had been undertaken and other work would also be required to get the plan to the adopted stage, therefore a revised quote of £9,075 had been provided, therefore an estimated additional £5,912.50 funding was required, to be split between both the Parish Council and the Town Council, with the Parish Council contributing 30% of these costs.

The Clerk also provided the following breakdown of spending as at 31 March 2023 on NHP#2:

£29,024.60 (Total)

-£10,000.00 in grant funding
£19,066.33 (being split between both the Parish Council and Town Council, with £5,569.85 being Melksham Without Parish Council's 30%)

For financial year 2023/24 and into 2024/25:

Estimated to be: £16,632.60
(£4,989.78* Melksham Without Parish Council's 30% share)

These costs included the following to get to adoption stage:

Place invoice 6058	£3,957.60
+ Revised quote from Place	£9,075.00
+ Melksham News adverts for Reg 14 + Referendum (estimate)	£2,000.00
+ Leaflet drop & Reg 14 launch events (15,000 leaflets and delivery) (estimate)	£1,600.00

*Some of this funding had already been approved, with £2,000 budgeted this financial year, with an agreement from the Finance Committee any extra funding to come from Contingency Reserve. This information had also been forwarded to the Town Council to consider and approve.

Members welcomed this information and the input from Place Studio in guiding the work on the Neighbourhood Plan.

The Clerk highlighted further additional work may also be required to the Neighbourhood Plan, if proposed changes to the National Planning Policy Framework (NPPF) were to be implemented by the Government, prior to the plan being finalised. The Parish Council may also want support from the Neighbourhood Plan consultants, in responding to the Local Plan consultation. Therefore, the quotes provided were a best estimate of additional expenditure, in order to get the Neighbourhood Plan through to adoption.

Recommendation: To support the revised quotation of £9,075 from Place consultants and approve the additional expenditure as raised above.

b) Five Year Land Supply. To note latest 5 Year Land Supply & Housing Delivery Test update from Wiltshire Council.

Members noted Wiltshire Council's current 5 year land supply figure stood at 4.60 years supply, with the Council meeting 141% of its housing target over the last 3 years.

The Clerk informed the meeting she had attended the recent WALC¹ Planning Conference, which discussed the 5 year land supply issue. Danny Kruger MP had explained that the 5 year land supply figure took no account of what had happened in history and only looked forward. Developers provide the forecast of how many houses they are going to build and occupy, which seems to be consistently under-forecasted, based on the subsequent number of houses built, with effectively developers dictating what the figure is, rather than the Local Authority.

The Clerk explained at the meeting she had expressed to a local MP, frustration at councils having to prove a 5 year land, and the impact this had on communities and urged the Government to look into this.

c) To note s106 NHS contributions from developments in the Parish and meeting booked with NHS representative to ensure contributions have been requested for all current applications.

Councillor Baines thanked the Clerk for investigating Section 106 NHS contributions from recent development in the area, which amounted to £137,000 (indexed linked).

The Clerk explained she was due to meet a new contact from the Bath & North East Somerset, Wiltshire & Swindon Integrated Care Board, as she was concerned it appeared a request for an NHS contribution via the Section 106 Agreement for 650 dwellings on the Blackmore Road site (PL/2023/01949) had not been requested, particularly if Wiltshire Council were minded to approve the application; as well as general issues regarding Planning in the area.

It was highlighted this was another example of the need for the Parish Council to have sight of any Section 106 Agreements, before they were signed and the need for the NHS to request contributions via Section 106s for local health provision.

87/23 S106 Agreements and Developer meetings: (Standing Item)

a) To note update on ongoing and new S106 Agreements

i) Hunters Wood/The Acorns:

- To note any updates on footpath to rear of Melksham Oak School.

No update to report.

ii) Pathfinder Place:

- To note update on outstanding issues, including play area transfer.

The Clerk explained she was still awaiting an update from the Council's solicitor on the transfer.

¹ Wiltshire Association of Local Councils

b) To note any S106 decisions made under delegated powers

None to report.

c) Contact with developers

The Clerk reminded Members of a pre app meeting the following day with Bloor Homes regarding proposals on New Road Farm.

The Clerk explained several developers had been seeking an update on the Neighbourhood Plan forthcoming and Regulation 14 consultation.

An invite had been extended by the Town Council to Members, to attend a Pre-App meeting on 11 July, for a proposed care home on Longleaze Lane to the rear of Spa Medical Centre.

The Clerk explained she had spoken to a representative of David Wilson Homes regarding proposals for 11 houses on Angelica Avenue (PL/2023/00478), to the rear of Spa Medical Centre and the reasons for the Parish Council objecting to proposals, given the application is within the town and not the parish.

The Clerk explained the main reasons for the objections were that it would compromise a potential community centre adjacent to the site. The representative of David Wilson Homes had explained without this development, there would be no access to the community centre, with the Clerk asking they approach the Town Council, as the site was in their parish.

Meeting closed at 8.26pm

Signed.....
Chair, Full Council, 24 July 2024