

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday 4 September 2023 at Melksham Without Parish Council
Offices (First Floor), Melksham Community Campus, Market Place,
Melksham, SN12 6ES at 7.00pm**

Present: David Pafford (Vice Chair of Council); Richard Wood (Chair of Planning); Alan Baines (Vice Chair of Planning); Mark Harris and Peter Richardson

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

In attendance: Wiltshire Councillor Nick Holder (Bowerhill) and 10 members of public

Via Zoom: 2 Members of public.

154/23 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting and reviewed the fire evacuation procedures for the building. He also advised that the meeting would be recorded and published on YouTube.

155/23 To receive Apologies and approval of reasons given

Apologies were received from Councillor Chivers, who was in hospital, and Councillor Glover, who was awaiting a delivery and may arrive late or not at all.

Resolved: To note and accept the reasons for absence.

156/23 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.

c) To note standing Dispensations relating to planning applications.

To note the Parish Council, has a dispensation dealing with Section 106 agreements relating to planning applications within the parish, lodged with Wiltshire Council.

157/23 **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 10(a)(ii) where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

Resolved: For agenda item 10(a)(ii) to be held in closed session, as it related to ongoing confidential site selection work for the Neighbourhood Plan and related contact with developers.

158/23 **Public Participation**

Standing Orders were suspended.

Several residents of Beanacre, including Chapel Lane, were in attendance regarding proposals for 3 dwellings at land to the rear of 52e Chapel Lane (PL/2023/05883) and to voice their concerns that the Highways consultee had raised no objection to proposals:

- The report accompanying the planning application stated that the bell mouth of Chapel Lane was 12m, but this is inaccurate. It is much smaller than that and more likely to be 12 feet.
- The lane is privately owned and unadopted. It is a stone track that is also used as a bridleway. The residents have contributed funds to resurface the lane, but there has been some damage to the surface due to recent Gigaclear work. There is a concern that increased traffic on the lane will cause further deterioration of the surface.
- It was questioned whether the Highway Officer had inspected the lane to see its condition and considered the effect of new dwellings on traffic. The initial application had numerous Highway objections, however, this application, which is similar, has received no objections and therefore there appears to be some inconsistency in Highway comments.
- The Highway comments refer to the lack of a turning space being an historical issue. A new gated area is proposed for the new development, which will prevent vehicles using the lane from turning here, which is the current practice.

Councillor Holder reminded Members of Paragraph 110 of the National Planning Policy Framework (NPPF) which states that new developments must ensure safe and suitable access to the site can be achieved for all users and this might be worth referring to, in the Council's response back to Wiltshire Council.

With regard to proposals for 650 dwellings at Blackmore Farm (PL/2023/01949), Councillor Holder explained he had already expressed concern at the proposals.

Standing Orders were reinstated.

159/23 To consider the following new Planning Applications:

PL/2023/06990: Land adjacent to 26 Shaw Hill, Shaw. Proposed erection of 3-bedroom dwelling with associated works.

Comments: No objection.

160/23 Revised Plans: To comment on any revised plans on planning applications received within the required **timeframe (14 days):**

a) PL/2023/00478: Land off Angelica Avenue. Outline application for up to 11 units with associated access road. Applicant DWH South West Ltd.

The Clerk explained whilst this application is within the Town, the Parish Council had previously supported the objections of the Town Council, particularly with regard to the impact this development would have on a proposed East of Melksham community centre adjacent to this site.

The developer had recently met with the Planning Committee of Melksham Town Council to discuss the application and the Town Council had subsequently removed their objection.

It was noted the main concern the Parish Council had was how this development would compromise any possible community centre adjacent to the site, given the experience of the Parish Council with regard to Berryfield Village Hall and the fact there are no opening windows, in order to alleviate any noise impact on nearby residents, which during hot weather made it particularly uncomfortable for users.

The architect for Berryfield Village Hall had suggested to the Clerk that perhaps a way forward was to suggest that the housing adjacent to the community centre should have sound insulation such as triple glazing, rather than the community building. This would put the cost and onus on the developers. .

It was noted access to any possible community centre would be via the development site and at present, there was no alternative location for a proposed community centre to serve East of Melksham.

The developer had highlighted the access road to the proposed community centre was included in their planning application and therefore, if the proposed development were not to go ahead, there would be no access available to this piece of land being transferred to the Town Council.

Resolved: To withdraw the objection to the application, provided that the developer takes responsibility for any necessary remedial works to address potential noise issues from the proposed community centre

adjacent to the development site. This includes installing the appropriate soundproofing measures such as triple glazing.

161/23 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

The Clerk updated the Committee on the following Enforcement queries:

183 Top Lane, Whitley:

Following a resident contacting the Parish Council concerned solar panels had not been erected on the far hedgerow line, as per the plans approved (PL/2023/00651), Planning Enforcement had been asked to investigate.

27 Newall Road, Bowerhill:

Following concerns a business was being run from 27 Newall Road in Bowerhill, Planning Enforcement had investigated and confirmed they had visited the site on several occasions and had not come across any commercial vehicles parked on the land in question or evidence of a business address there, therefore the file had been closed with the opportunity to reopen if further evidence was provided. The Residents' Association had been made aware and to report any further incidents.

19 The Beeches, Shaw

Following concerns a wooden structure had been erected without planning permission in the garden of 19 The Beeches, Shaw and used as a hairdressers, Planning Enforcement had investigated and confirmed the structure had been built under permitted development rights, therefore no planning permission was required. The building was being used only by friends and family of the owner as a hairdressers, therefore, there was no breach in planning control. However, the owner was aware if use intensified, a change of use application would need to be submitted.

Unit 1, Lancaster House:

Awaiting outcome of the investigation by Planning Enforcement, in to the recent installation of fencing around the site.

162/23 Current planning applications: Standing item for issues/queries arising during period of applications awaiting decision.

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

No update and awaiting for the application to be considered at a Western Area Planning Committee.

b) 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.

Since commenting on the application, members have noted that the site was allocated 425 dwellings in the draft Local Plan. It was noted that Highways had not objected to this application, which was surprising as the accesses and egresses were off the A3102 and not off a spur from the roundabout adjacent to the site. Highways had provided a lengthy and comprehensive response.

The Clerk explained Members might wish to highlight Paragraph 110 of the National Planning Policy Framework (NPPF) with regard to safe and suitable access to the site, given previous concerns raised at the proposed accesses and egresses off the A3102.

It was noted the allocation in the draft Local Plan showed access through 2 fields owned by another land owner, off Eastern Way, and therefore a completely different access/egress to the planning application.

The Clerk highlighted that the majority of Highways conditions and triggers for improvements only had to be undertaken before the 400th occupation, and not before, which Members may wish to comment on.

It was noted an application for 300 dwellings South of this site had just been submitted by another developer and therefore Members may wish to comment on the two sites being integrated.

Comments: Whilst still objecting to this application, particularly, given concerns of the 2 accesses/egresses proposed off the A3102, to submit the following additional comments:

- Any highway requests as recommended in the Highway Officer comments, should be in place prior to first occupation and not the 400th as indicated.
- The proposed accesses/egresses within the planning application are a direct contradiction to the accesses/egresses proposed in the draft Local Plan.

Concern is raised if there were to be an accident near one of the accesses/egresses currently proposed in the planning application, this could block off the other access/egress, therefore, a completely separate access in a different location is required as suggested in the draft Local Plan.

Attention is drawn to Paragraph 110 of the National Planning Policy Framework (NPPF) which states: new developments must

ensure safe and suitable access to the site can be achieved for all users

- c) **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.**

The Clerk explained there was no update to report.

- d) **PL/2023/05883: 52e Chapel Lane.**

On reviewing the Highway comments, recently submitted to Wiltshire Council, Members raised concern the lane had been referred to as a carriageway, which it is not, as the site is fronting a private lane, which is a bridleway and therefore, cannot be referred to as a carriageway.

It was understood from residents of Beanacre attending the meeting that the Highways Officer in commenting on the previous application for 3 dwellings on this site (PL/2022/06389) had raised several objections.

The Clerk explained Wiltshire Council Drainage team, whilst they had already commented on the proposals, had since submitted additional comments backing up those raised by the Parish Council with regard to drainage and flooding of the site.

Resolved: To submit additional comments to the proposals in relation to the comments raised by Wiltshire Council Highways, in referring to the lane as a carriageway when it is a bridleway and to draw attention to the previous objections raised by Highways in commenting on Planning application (PL/2022/06389) as raised by residents earlier in the meeting.

To draw attention to Paragraph 110 of the National Planning Policy Framework (NPPF) which states new developments should ensure safe and suitable access to the site can be achieved for all users.

POST MEETING NOTE: The Planning Officer confirmed there were no Highway comments submitted in relation to planning application PL/2022/06389.

163/23 Planning Policy

a) Neighbourhood Planning

- i. To receive update on the Neighbourhood Plan Review and to consider any time critical requests before the next Steering Group meeting.**

No updates to report.

- iiC To consider update and way forward on Neighbourhood Plan site selection; to inform Steering Group representatives for meeting on 6 September**

THIS WAS HELD IN CLOSED SESSION.

Resolved: To continue with the preferred site allocation in the Melksham Neighbourhood Plan.

- iii. To reflect on responses to planning applications for monitoring of the Neighbourhood Plan**

None to note.

b) To consider submitting comments to the Government consultation on changes to permitted development rights:

The Clerk explained there were proposed changes to permitted development rights, but unfortunately, had not had the opportunity to review the document as yet.

c) Wiltshire Council Local Plan

<https://www.wiltshire.gov.uk/planning-policy-local-plan-review>

Consultation on the draft Local Plan was due to take place between 27 September and 22 November.

The Clerk sought a steer from Members how they wished to proceed with reviewing the Local Plan, and whether Members wished to employ planning consultants to help formulate a response; as before.

Councillor Richardson raised a concern it was very difficult to navigate Wiltshire Council's website pages relating to the Local Plan and to isolate those documents/policies that would affect the Melksham community.

It was noted there was a drop-in session at Melksham Campus on 4 October between 3.00-7.00pm, which could prove useful, as well as an online event on Tuesday, 10 October between 6.30-8.00pm.

Resolved:

Planning Committee 25th September:

First look at response and decide if require professional help with response

Wiltshire Council drop in session at the Melksham Campus 4th Oct:

Ask questions/seek clarity

Planning Committee 16th October:

Finalise response

Full Council 16th November:

Approve response

164/23 S106 Agreements and Developer meetings: (Standing Item)

a) Updates on ongoing and new S106 Agreements

i) Hunters Wood/The Acorns:

- There was no update regarding the footpath to the rear of Melksham Oak School.
- With regard to the roundabout at Spa Road, progress had still not been made since November 2022. It was understood it was now due to be completed by the end of April 2024.

ii) Pathfinder Place:

- Members noted the update on traffic calming in Maitland Place, which was still going ahead, however, if residents were still unhappy with it, this could be removed prior to adoption.
- With regard to the play area, the draft Transfer document was due to be reviewed at the Asset Management Committee meeting to follow.

iii) Buckley Gardens (144 dwellings on Semington Road)

It was noted work had started on site earlier in the day, with access off of Semington Road.

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

It was noted Reserved Matters planning approval had been given. Residents of Townsend Farm had been informed and

were awaiting a meeting with the developer to go through concerns they had raised.

b) To note any S106 decisions made under delegated powers

None.

c) Contact with developers

Members noted Catesby Estates had recently submitted an outline planning application for 300 dwellings on Snarlton Farm which was still to be validated by Wiltshire Council and therefore would be considered at a future Planning Committee meeting.

Meeting closed at 8.01pm

Signed:.....
Chair, Full Council, 11 September 2023