

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday 6 February 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), Alan Baines (Vice Chair of Planning), John Glover (Chair of Council), David Pafford (Vice Chair of Council), Terry Chivers, Mark Harris and Peter Richardson

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

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

Via Zoom: 1 Member of Public.

380/22 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting.

The Clerk reminded those present of the Neighbourhood Plan consultation events taking place later in the week at The Campus:

Thursday, 9 February	4pm-7pm
Friday, 10 February	11am-5pm
Saturday, 11 February	10am-12 noon

Consultation boards would also be on display in the Town Hall and The Campus until mid March.

Consultations would also be available online in the next few days.

381/22 To receive Apologies and approval of reasons given

There were no apologies as all members of the committee were present.

382/22 Declarations of Interest

a) To receive Declarations of Interest

Councillor Peter Richardson declared a non pecuniary interest in planning application PL/2023/00549: 1 The Laurels, as the applicant was known to him personally and professionally.

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.

383/22 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 note there were no items for discussion in closed session.

384/22 Public Participation

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

Councillor Nick Holder stated he had concerns with regard to planning application PL/2023/00734 and the removal of part of an established hedgerow in the grounds of Melksham Football and Rugby Club to create another access and therefore would defer to this committee and take guidance.

Regarding the footpath to the rear of Melksham Oak School, Councillor Holder explained he had been in contact with the Highways Officer for the scheme and in terms of lighting, the overall cost of the scheme was considerably more than the Section 106 funding available and understood this was notified to the council a few years ago. Therefore, discussions were taking place regarding alternative external funding to enable the work to be undertaken.

It was understood Melksham News were seeking an update of this matter and a response had been received from Councillor Richard Clewer, Leader of Wiltshire Council stating work would not progress until sufficient funds were available to progress the scheme.

In terms of Pathfinder Place play area, Councillor Holder stated he understood the Clerk had received an update from Taylor Wimpey regarding the adoption of the play area. The Clerk explained she had a

meeting arranged with the Wiltshire Council Play Area Officer later in the week and invited Members to join her if they wished.

With regard to the lights and refuge island, associated works and cycle way it was anticipated these would be completed by the end of the week.

Councillor Holder informed the meeting following a recent residents' meeting, a Residents' Association had been formally constituted with an invite being extended to him to attend the next couple of meetings in order to assist the group in moving forward.

Standing Orders were reinstated.

Councillor Wood asked permission from the committee to bring item 7 regarding revised plans for 144 dwellings on Semington Road forward, which Members agreed.

385/22 Revised Plans: To comment on any revised plans received within the required timeframe (14 days)

[PL/2022/02749](#): Land at Semington Road. Reserved matters (Following Outline Permission 20/01938/OUT) for development comprising the erection of 144 dwellings with informal and formal open space, associated landscaping and vehicular and pedestrian accesses off Semington Road. Applicant David Wilson Homes

Members noted proposals for a new gate and fence to the Southern boundary onto Shails Lane, which was different to previous proposals and contrary to previous comments made by the Council for the installation of a non permeable fence, to be shielded by hedging treatment, between the development and Shails Lane, in order to discourage residents trespassing onto the lane, which is a private road.

The Clerk wondered if there had been a misunderstanding of a previous comment made by the Council for consideration of some form of barrier/gate to be installed, once past the entrance to 514d Shails Lane, in order to discourage residents from the development and those who use the lane for fly tipping and dog walking from accessing the lane.

Councillor Glover felt whilst this may have been mentioned previously, the developer could not be forced to install it, as it was a private road and therefore, it would be something the residents would have to investigate themselves and pay for. Unfortunately, there was nothing

the council could do about stopping access to a private road, all that the council could do was point out that it should not be used.

It was unclear what the legal aspect of installing such a gate/barrier would be for the residents.

A resident of Shails Lane stated construction vehicles were already using the lane.

The Clerk confirmed this issue had been raised with the developers in the last week.

A resident of Shails Lane felt it was unfair for the residents of Shails Lane to be responsible for installing a gate at the end of the lane and felt any gate needed to be quite high in order to discourage people from climbing over it.

Councillor Wood informed the resident as it was a private road, Wiltshire Council would not be able to fund it nor the parish council and the developers would not fund it as it did not form part of the legal agreement (Section 106).

Councillor Wood pointed out it would be difficult to stop people accessing the lane, as people currently use it, there was also easy access from the Ashville Centre to the lane, if people wanted to access it.

Comments: Whilst noting the small changes made, the Council wished to reiterate their previous comments made, particularly the need for an impermeable fence to the Southern boundary in order to stop residents of the development from accessing Shails Lane from the site.

Members noted proposals for a new gate to the Southern boundary, allowing access onto Shails Lane but were unclear as to why this has been included.

Therefore, Members requested the Clerk contact David Wilson Homes to discuss the revised plans and to reiterate there should be no access to Shails Lane, as it is a private road and to ask as a gesture of good will, they might like to fund a suitable gate across Shails Lane, in order to discourage people accessing the lane, with a suggestion a suitable location would be near the canal bridge.

Members confirmed they still wished the 'call in' on the application to remain as there are still areas of the

application that they were not happy with that have not been addressed, in order for a decision to be made by a Planning Committee of Wiltshire Council.

POST MEETING NOTE: Having contacted David Wilson Homes, they confirmed the gate was required in order to allow access for services easement on the site, however, the style, height and design of the gate was still to be confirmed.

Recommendation: The Council write to residents of Shails Lane to update them on the response of the parish council to the latest plans and inform them, whilst it was previously suggested there be a barrier across the lane, the developer is under no obligation to install it and therefore as a private road, suggest they look into providing some form of barrier themselves which can only be installed once alternative access to the sewerage works has been arranged via the site.

386/22 To consider the following Planning Applications:

[PL/2023/00549](#): 1 The Laurels, Beanacre. Single storey rear extension.

Comments: No objection.

[PL/2023/00490](#): 49 Westlands Lane, Beanacre. Construction of single-storey side and rear extensions, complete with internal alterations and associated external works.

Comments: No objection, however the parish council are aware this area is prone to regular flooding, including as recently as January 2023, and note that the plans (existing site plan) detail that there is not a plan yet for foul and surface water drainage and an assumption on where the surface water drains.

From looking at the application form and list of consultees contacted, the Wiltshire Council drainage team does not appear to have been asked for comments on this application, therefore, Members felt that this should take place.

[PL/2022/09608](#): Hanger 8, Lancaster Road, Bowerhill. Retrospective permission for the erection of a metal and plastic sheeting 'tent like' structure, to provide improved storage for stone and tiles.

Comments: No Objection.

[PL/2023/00188](#): 178a Brow Cottage, Top Lane, Whitley. Proposed single

storey extension, front porch & roof alterations.

Comments: No Objection.

PL/2023/00625: Land adjacent to 1 Eden Grove, Whitley. Reserved Matters application following outline approval PL/2022/05361 (scale, layout, appearance & landscaping only).

Comments: No Objection.

PL/2023/00734: Melksham Football and Rugby Club, Eastern Way. Hedgerow removal.

Comment: Whilst noting the current gap in the hedgerow was prone to getting muddy, Members expressed a concern at destroying a section of mature hedgerow and felt a more appropriate solution rather than opening up another gap, would be to improve the current access by filling the gap with some form of grating/gravel surface.

Concern was raised that there was not enough information in the application, therefore, it was assumed whilst the current gap would remain to enable machinery to use it in order to maintain the pitches the new gap would provide pedestrian access only and therefore if just for pedestrian access, the gap would not need to be so big.

If Wiltshire Council were minded to approve this application Members asked the current gap be closed and planted with native planning.

Councillor Holder asked if the Parish Council wished the application to be called in for consideration by a Wiltshire Council Planning Committee.

Members agreed if the Planning Officer were minded to approve the application, that the application be 'called in'.

Councillor Nick Holder left the meeting at 7.40pm.

387/22 Planning Decisions: To note planning application PL/2022/06389: erection of 3 dwellings on land to rear of 52E Beanacre, Chapel Lane has been withdrawn by the applicant.

The Clerk explained whilst this application had been withdrawn by the applicant, it was understood this was to enable an ecology report and more highway information to be obtained and submitted to Wiltshire Council, which would likely be in the Spring.

The Clerk reported that the planning application for a Certificate of Lawfulness, relating to the annex at Kays Cottage, 489 Semington Road had been refused. Members welcomed this information.

388/22 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

a) To note response from Technical Planning Support Officer regarding replacement fence at 12 Tangmere Close, Bowerhill.

Members noted the response from the Technical Planning Support Officer.

Councillor Harris in noting the officer response in stating the parish could raise their concerns with Highways, asked that the parish council contact Highways as suggested, as access to services were not accessible at present, as they were located behind the fence.

Recommendation: To ask Wiltshire Council Highways to investigate and comment.

b) To note response from Building Control in relation to planning application: PL/2022/07374: Construction of new lounge area (retrospective) at New Inn, Semington Road

Members noted the applicant was in the process of submitting a retrospective building regulation application for the new lounge area at the New Inn.

389/22 Planning Policy

a) Neighbourhood Planning

i) To note Minutes of Steering Group meeting held on 25 January 2023 (if received).

The Clerk explained the notes of the Steering Group meeting held on 25 January 2023 had not yet been received.

ii) Update on the Neighbourhood Plan Review & upcoming consultation events and to consider any time critical requests before the next Steering Group meeting

As well as the upcoming consultations, the Clerk explained she had been on various sites visits the previous week with AECOM regarding green gap/landscape buffer policy work and housing site assessment work.

The Clerk explained some of the gaps requested were between Melksham and Semington, and Melksham and Seend, with the informal advice of the AECOM consultants that there can only be a gap between two settlements or two edges of housing. As these two areas are in different neighbourhood plan areas it would effectively mean that the Melksham Plan would only be designating a gap up to the edge of the plan area, and so not between settlements. It was therefore suggested to request Wiltshire Council to designate gaps between settlements at a strategic level, as this could not be done as part of Melksham Neighbourhood Plan.

The Clerk explained she had spoken to the Neighbourhood Plan consultants on the best way forward with this and, with the committee's blessing stated she would contact the Strategic Planning Officer to ask if this was something which was being undertaken as part of the Local Plan Review and if it could be looked at.

The Clerk stated if the Strategic Planning Officer were to come back and say no, the Neighbourhood Plan could perhaps have the evidence as to why they wished to designate landscape gaps in the neighbourhood plan. Seend's Neighbourhood Plan had been made recently, there was still the opportunity to ask Semington Parish Council if they were happy to share the landscape gap analysis work they had recently commissioned and vice versa.

The Clerk explained that during the site visits, it was explained by AECOM that some gaps might be better designated as local green space or green infrastructure, as some did not meet the planning term of a 'buffer' as not visual from the ground, but the gap/green space had a community value.

The Clerk informed the meeting that AECOM had also undertaken housing site assessments the previous week, as well as looking at regeneration opportunities in the town centre.

Recommendation: For the Clerk to contact Wiltshire Council to ask if something was being undertaken as part of the Local Plan Review in allocating landscape/green gaps between settlements, if not, to seek allocations for landscape gaps in the Neighbourhood Plan and to approach Semington Parish Council for a copy of the work undertaken by their consultants on green gaps in their neighbourhood plan.

- b) **Local Plan Review: To note latest update on consultation/adoption timeframe for the Local Development Scheme**
<https://www.wiltshire.gov.uk/planning-policy-lds>

The Clerk explained the revised timetable for the Local Plan Review and the timeframe had changed. The timeframe for the Local Plan had been extended up to 2038.

With regard to consulting on the Local Plan, the Regulation 19 consultation timeframe had slipped to Quarter 3, 2023 (July, August, September).

The Clerk explained it was understood this information had been released in December 2022 as part of a Wiltshire Council meeting and expressed frustration of not having been made aware of this change by local Wiltshire Councillors or the Spatial Planning team.

The advice from both Mike Kilmister, Neighbourhood Planning Officer, Wiltshire Council and the Neighbourhood Planning consultants was to keep going with Melksham's Neighbourhood Plan Review, noting once the plan had gone to Regulation 14 consultation, it would start gaining more weight in the planning process.

Councillor Harris explained Councillor Botterill, Cabinet Member for Finance, Development Management and Strategic Planning at a recent Cabinet meeting had indicated the Local Plan Review was not coming out until late 2023.

c) National Planning Policy Framework (NPPF) Consultation. To note summary of consultation from Locality with regard to Neighbourhood Plans

Members noted the summary provided by Locality in relation to the National Planning Policy Framework (NPPF) consultation.

d) To note CPRE January 2023 Newsletter including NPPF consultation and update on Future Chippenham Project

Members noted the article on the National Planning Policy Framework (NPPF) consultation and update on the Future of Chippenham Project within the CPRE January Newsletter.

390/22 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

An update on progress of the footpath had been received from the Senior Transport Planner, including information on the initial funding estimations for the project having risen significantly, which had been raised by Councillor Nick Holder earlier in the

meeting.

The Clerk explained she had spoken to the Town Mayor, regarding the issues relating to the footpath and they had offered their support stating the matter would be raised at a Town Council meeting the following week.

The Clerk highlighted that it was understood that Wiltshire Council had missed including the pedestrian crossing in the Section 106 Agreement; which would have impacted on the costs.

With regard to the installation of lighting along the footpath, the Clerk noted the Town Council had a good deal on lighting for a footpath to the rear of Forest of Sandridge School and maybe this information could be forwarded to Wiltshire Council for their information.

Councillor Glover felt the installation of a footpath should still go ahead even without the pedestrian crossing.

Recommendation: To propose to Wiltshire Council they move forward with the installation of the footpath without the pedestrian crossing and the lighting at this stage if that caused further delays; and could be installed at a later date.

ii) Bowood View:

- To receive update on village hall, play area.

Members noted the hall was now due to open shortly with the draft lease included on the Asset Management agenda to follow, for consideration.

The Clerk explained various questions had been raised with regard to the play area lease, with an item on the Asset Management agenda to follow.

- To note feedback from residents on proposals for a footbridge to the proposed adjacent David Wilson development.

The Clerk explained following letters being hand delivered to 150 dwellings on Bowood View, only 2 or 3 responses and been received against the installation of a footbridge with several supporting it. Therefore, with the blessing of the Council suggested approaching the Directors of Bowood View Management Company stating that out the 150 hand delivered letters, approx. 135 dwellings had not responded and therefore assumed they were happy with proposals for a footbridge to the adjacent site.

Recommendation: For the Clerk to contact Bowood View Management Company informing them of the responses received and that it is assumed as 135 dwellings had not responded, they were happy with the proposal for a footbridge from Bowood View to the adjacent site. This was in addition to the handful that had written to support the proposal.

- To approve location for Wilts & Berks Canal Interpretation Boards.

Information was provided on the suggested locations of the interpretation board. Approval of Bowood View Management Company would now be sought on the suggested locations.

- To note update from Julie Cleave re 20mph Speed Limit

Julie Cleave, Highway Development Control Engineer, Wiltshire Council confirmed Bowood View would be subject to a 20mph speed limit once the estate roads had been adopted.

- Refuge Lorries

The Council had been copied into correspondence to Wiltshire Council from a concerned resident at refuge lorries churning up verges on the corner of Telford Drive. The Clerk stated she understood something would be installed to try and stop this from happening in the future.

The Clerk explained this highlighted why the council in responding to planning application always requested road layouts on new developments were to enable easy access for large vehicles, such as refuge lorries.

iii) Pathfinder Place:

- To receive update from Taylor Wimpey on issues eg lights and blocking off of Tedder Gardens.

Members noted the update from Taylor Wimpey, as well as the update from Councillor Nick Holder earlier in the meeting.

It was noted progress regarding the blocking off of Tedder Gardens was being made.

- To receive update on Play Area including repositioning of benches

The Clerk explained the previously agreed positioning of the benches had been changed. The contractors on installing the benches the previous week had noted there was not enough gap for one of the benches therefore, as they were on site, a decision

had been made to reposition them with enough gap between them, around the attenuation pond and away from housing.

- iv) **Land East of Semington Road [PL/2022/02749](#)**: To note response from Planning Officer on this Council's suggested alternative use of highways s106 funding as A350 pedestrian crossing already improved by Government Active Travel funding and consider a way forward.

Members noted the Planning Officer response to the Council's suggestion for alternative use of the highways Section 106 funding which stated the owner of the site would have to agree to enter into a legal agreement with the parish council and amend the existing Agreement in order to use the unspent highways contribution on another relevant project and advised contacting Wiltshire Council's legal manager on how to proceed and to liaise with Julie Cleave, Highway Development Control Engineer who was currently looking into related highways projects that unspent highways contributions could be spent on.

The Clerk expressed frustration it was up to the parish council to progress this further and bear any potential legal costs. She had made contact with Julie Cleave, Highway Development Control Engineer who explained they were actively discussing the £200k highway contribution with the developer as they would need to be on-board with any decisions involving a variation to the Section 106 Agreement. Highways were investigating alternative schemes that were directly related to the Semington Road development and were realistic / relate to an identified scheme.

It was also explained the footpath scheme suggested by the parish could would form part of the discussions, but may not be the most favoured scheme for the funding opportunity, given that the land to the South of Western Way and just East of the A350 was currently unallocated for development in the Local Plan and the position regarding its future development was not therefore entirely clear. With planning application 22/08504 for this area of land currently undetermined.

b) To note any S106 decisions made under delegated powers

None to note.

c) Contact with developers.

None to note.

Meeting closed at 8.00pm

Signed.....
Chair, Full Council, 20 February 2023