

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday, 2 September 2024 at Melksham Without Parish Council
Offices (First Floor), Melksham Community Campus, Market Place,
Melksham, SN12 6ES at 7.00pm**

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

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

Also in attendance: Wiltshire Councillor Nick Holder (Bowerhill Ward) for part of meeting

168/24 Welcome, Announcements & Housekeeping

Councillor Baines as Vice Chair of Planning chaired the meeting in the absence of Councillor Wood and noted those present were aware of the fire evacuation procedures for the building. Also, the meeting was being recorded to aid the production of the minutes and would be uploaded to YouTube, then deleted once the minutes had been approved.

The meeting was informed the following planning application had been approved with conditions by Wiltshire Council:

[PL/2024/05437](#): 17 Park Road, Bowerhill. Proposed Two Storey Rear Extension.

The meeting was also informed the following planning application had been refused by Wiltshire Council due to insufficient evidence being submitted to the Local Planning Authority:

[PL/2024/04135](#): Kays Cottage, 489 Semington Road, Melksham. Certificate of lawfulness for existing separate annex.

Clarification was sought on what would happen with the annex now, particularly as tenants were living in the annex and had been for some time.

Councillor Baines understood as Planning Enforcement had been involved, they would be aware.

169/24 To receive Apologies and approval of reasons given

Apologies were received from Councillor Wood who was unwell. Councillor Baines as Vice Chair of the Committee was therefore chairing the meeting.

The Clerk informed the meeting officers had not heard from Councillor Chivers. Therefore, Councillor Franks was in attendance as his

substitute as previously arranged.

Resolved: To accept and approve Councillor Wood's reasons for absence.

170/24 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 lodged with Wiltshire Council dealing with S106 agreements relating to planning applications within the parish.

171/24 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 agenda items as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

The Clerk advised there were no items for consideration in closed session.

172/24 Public Participation

Standing Orders were suspended to allow Wiltshire Councillor Holder to speak to the Planning Committee on the following:

Snarlton Farm. Application for up to 300 dwellings (PL/2024/07097)

Having discussed the application with the Planning Officer, he had reiterated previous comments made, such as the application sits outside any of the allocated sites in both the draft Local Plan and Melksham Neighbourhood Plan NHP1 and draft revised plan NHP2. The Planning Officer has been informed if they are minded to approve the application, it will be called it in for consideration at a Wiltshire Council Planning Committee.

**Blackmore Farm. Application for up to 500 dwellings
(PL/2023/11188)**

No update and is still being considered by Wiltshire Council.

Pathfinder Way Primary School (PL/2023/08046)

The application will be considered at a Western Area Planning Committee meeting on 4 September and Councillor Holder will be in attendance.

Pathfinder Way development

A site meeting had taken place on 23 August with representatives from Taylor Wimpey, following which correspondence had been sent to them asking for confirmation on their schedule of activity in completing the public open space. Following discussions at the meeting it was understood the area would not be open until after Christmas given the amount of tree planting and landscaping to be undertaken.

With regard to the transfer of Pathfinder Place play area to Melksham Without Parish Council, it was understood the obstacles stopping the transfer would shortly be resolved.

Councillor Glover having attended the site meeting explained he had reiterated to Taylor Wimpey, having read the Engrossment Document provided, that he felt that it did not give the Parish Council the right for vehicular access over the private driveways, that was just for the Management Company. Therefore, they were going away to review the document, as this was not their understanding.

Western Way/Burnet Close

Having noted no response had been received from Wiltshire Council following correspondence from the Clerk seeking an update on when the footpath from Western Way to Burnet Close would be installed had written to the officer involved chasing this up earlier in day.

Land South of Western Way

No reserved matters planning application has come forward as yet.

New Road Farm

Have met with Bloor Homes to discuss proposals and suggested they also follow this up with Wiltshire Councillors Phil Alford and Mike Sankey, as their wards abutted the site. Pleased to note they have taken notice of the draft Local Plan with regard to various aspects of the proposal, including the provision of 40% affordable homes within the design.

Questions were invited from Members.

Councillor Glover reminded Wiltshire Councillor Holder of the concerns the Parish Council had with regard to having a no right turn into the Pathfinder Way School site and asked if it was too late to include a statement about this, noting in particular during the morning drop off it would be difficult to do a right-hand turn into the school, it would also be difficult for vehicles to do a right-hand turn out of the school.

Wiltshire Councillor Holder suggested the Parish Council submit these concerns to the Local Highway & Footway Improvement Group (LHFIG) for their consideration.

173/24 To consider the following new Planning Applications:

[PL/2024/07097](#): Land South of Snarlton Farm, Snarlton Lane.

Erection of up to 300 dwellings (Class C3); land for local community use of building (incorporating Classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works on land South of Snarlton Farm (Outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way) – Resubmission of PL/2023/07107). Applicant Catesby Estates Promotions Limited

The Clerk informed the meeting with regard to the 4.2 housing land supply figure for Wiltshire Council previously quoted by the Parish Council in response to the public consultation in July, the Planning Inspector at a recent Appeal Hearing for a site in Westbury the previous week, had quoted a housing land supply figure of 3.85. However, the current Neighbourhood Plan (NHP1) still had a 5-year housing land supply protection from July 2021, when the plan was 'made' due to National Planning Policy Framework Policy Paragraph 14 Protection.

Councillor Glover asked if the Parish Council should ask Wiltshire Council how they could go from a 4.8-year land supply figure a year ago to 4.2 in December 2023 and now 3.85.

The Clerk explained the response from Nic Thomas, Director of Planning explained whilst sites are approved the developers often do not build them in the timeframe (land banking) and therefore these housing figures do not count towards the housing land supply figure.

Members expressed frustration at the situation and the impact this had on communities.

With regard to previous comments relating to community facilities, Councillor Baines informed the meeting it appeared Melksham Town Council had made no progress in pursuing the site adjacent to Snowberry Lane Surgery, there was also the prospect of the Blackmore Farm site (PL/2023/11188) adjacent having a community centre and therefore potential for competing community centres; the Parish Council needed to think carefully how to approach the offer of space for a community centre within this prospective development.

Councillor Glover suggested the Parish Council ask for funding towards a prospective community centre East of Melksham, if the application were approved.

The Clerk reminded Members the S106 outline agreement was when land is agreed for this type of facility and if requesting just funding, the land would not be available as well and therefore land would have to be found somewhere else and it would depend which of the currently planning applications East of Melksham came forward first.

Councillor Pafford noted whilst there were concerns at the potential for having several community centres in the same area, felt having two community centres ie one at the Blackmore Farm site and one East of Melksham would be able to serve the number of residents in the area, which had increased over the years, from when the original East of Melksham Community Centre was proposed.

Councillor Glover expressed concern that the site originally proposed for a community centre East of Melksham was too small to accommodate a suitably sized community centre and therefore there was a requirement in the area for a community centre of a suitable size.

The Clerk suggested deferring commenting on the provision of a community centre for the Full Council meeting on 9 September, given the wider discussion on a Community Centre East of Melksham was on the agenda for discussion and to explain in the council response to proposals, comments on community facilities would be forwarded following the meeting.

Comments: The Parish Council **OBJECT** to this application and reiterate their previous comments as follows:

- Loss of Greenfield site.
- The development is in the open countryside, outside the Settlement Boundary of Melksham & Bowerhill, isolated and therefore unsustainable.
- This site equates to piecemeal development and is not plan led. Wiltshire Council's current Core Strategy, and its draft Local Plan do not include this site as a strategic allocation. There is no allocation for Melksham in the adopted Wiltshire Housing Site Allocations Plan (adopted February 2020) either. Melksham's made Neighbourhood Plan (adopted July 2021), does not include this site as a housing allocation; nor does it include it in its reviewed Plan which has recently been subject to a second Regulation 14 consultation (Version B: June 2024). This version of the Neighbourhood Plan has housing allocations for at least 483 dwellings across 5 sites. The emerging Local Plan has allocations for 845 dwellings across 3 sites. This gives a total allocation of 1,328 set against a residual figure in the Melksham area of 1,120 and 68 for Shaw and Whitley (as at 31 May 2023) as set out in the draft Local Plan. In addition, the current Core Strategy sets out policies until 2026, and the housing allocation for the Melksham area has been exceeded to date (refer to evidence documents for the draft Local Plan Reg 19: September 2023).

Following changes to the National Planning Policy Framework (NPPF) announced at the end of 2023, current guidance means such development can be refused, as Wiltshire Council can prove they have a 3.85-year land supply and have met the condition to have undertaken a Regulation 19 Local Plan consultation within 2 years. In addition, the Melksham Neighbourhood Plan (adopted in July 2021) now has full Paragraph 14 protection until July 2026 and has recently been reviewed and a second Regulation 14 consultation completed in August 2024. In a letter to the parish council from Catesby Estates on the plans to be resubmitted, they explain that this change in policy context is why they withdrew their application,

however, there has been no further change in planning policy since then.

- As this site has not been allocated in the draft Local Plan and therefore this site does not form part of the strategic thinking with regard to housing and infrastructure requirements in Melksham. The site is not part of a wider strategic site bringing with it infrastructure, such as schools, medical facilities, community centre, highway improvements and a local centre etc.
- As an example of the lack of master planning across the wider area, the neighbouring site at Blackmore Farm has a current planning application for 500 houses (PL/2023/11188), with a primary school and Local Centre land with no accessibility from this proposed development. In addition, there is only one footway running along Eastern Way on its Western side and not adjacent to this development. Therefore, children wishing to access the proposed primary school at Blackmore farm will have to cross Eastern Way and cross back again.
- Proposals do not include 40% affordable housing as per the draft Local Plan requirement.
- Highway Safety Concerns:

There is the possibility of an Eastern Bypass and if the bigger highway scheme could not be afforded, Eastern Way could potentially be the Eastern route for the A350 bypass, therefore, isolating the site even further.

The impact this development will have on New Road, which is a single-track road and used as a 'rat run' to access Chippenham and the M4 via the National Trust village of Lacock including its medieval bridge which again is single track.

Consideration needs to be given to how this site could impact the new roundabout under construction in Spa Road as part of the East of Melksham extension. This route may potentially be the preferred route by drivers to access road infrastructures North and South.

Consideration needs to be given to the provision of a roundabout on the Southern entrance to the site, as opposed to traffic lights as previously proposed in planning application PL/2023/07107, particularly as this entrance serves the larger part of the site.

Eastern Way is not well served by bus routes and would result in the reliance upon the need for travel by car, which is contrary to Core Strategy Policies 60 and 61.

Members note in the Education response, they have stated the following and raise concern “if this development comes forward prior to the housing allocation within the draft Local Plan at Blackmore Farm (adjacent to the site) which includes a primary school, there will be insufficient primary school facilities for any future primary aged children. Wiltshire Council have already stated their objection to the planning application for 650 houses at neighbouring Blackmore Farm site as there are insufficient secondary school places until the Local Plan allocation south of Melksham Oak (Policy 19) is progressed.”

As part of the current review of the Neighbourhood Plan, AECOM has undertaken an independent Site Assessment and assessed SHELAA^[1] site 3525, which includes this site, with the following comments:

- Impact on non-statutory environmental designations: The site is adjacent to public open space (playing field), Primrose Drive Nature Area and located along indicative green infrastructure corridor.
- The central part of the site along Clackers Brook is in Flood Zone 2 and 3. The site is proposed for more vulnerable uses (residential). The sequential test and a site level exception test would need to be applied before these parts of the site could be developed.
- Over 15% of the wider SHELAA site is affected by high risk of surface water flooding.

^[1] Strategic Housing & Employment Land Availability Assessment
<https://www.wiltshire.gov.uk/planning-policy-monitoring-evidence>

- The site is Grade 3 Good to Moderate Quality Agricultural Land. More detailed site surveys would be required to assess whether the site is Grade 3a Good Quality Agricultural Land. (The Parish Council note in terms of potential changes to the National Planning Policy Framework (NPPF), the land has been used for food production until recently, which is planned to carry more weight in the new NPPF amendments)
- The site includes Public Rights of Way MELW23 and MELW22.
- The site has several mature and semi mature trees within its boundary. Further arboricultural assessment would be required to understand their significance.
- Accessibility of the site in relation to facilities being within a 5-minute walk (400m). The following areas are over a 5-minute walk away:

Town/Local Centre/Shop:	>1200m
Train Station:	>1200m
Secondary School:	>1600-3900m
Cycle Route:	>800m

- The site falls within the Open Clay Vale Landscape Character Area of the Melksham Neighbourhood Plan Local Landscape Character Report 2020 and the West Wiltshire Landscape Character Area Report 2006. This area has a strong sense of openness with occasional deciduous copses and ancient woods to the east. The management objectives of this Landscape Character Area are to conserve and enhance the landscape setting of Melksham, screen visually intrusive urban edge of Melksham, conserve open views across the clay vale to distant down land ridges and conserve and enhance the existing hedgerow network.

The site contains some valued features including the Clackers Brook, continuous tree line along the Brook which provides an intimate setting and boundary vegetation. The site makes a significant contribution to the rural and tranquil landscape character of the area. Development on the site would represent a significant advancement into open countryside, beyond the current defined settlement edge formed by the Eastern Way.

- The site is visually open and has high intervisibility with the surrounding landscape. Development may adversely impact views of the surrounding open clay vale landscape, as well as from the Public Rights of Way crossing the site.
- The site strongly relates to the rural character and sense of openness of the area. Development of the site would contribute to a substantial urban expansion into open countryside.

The Parish Council also wish to submit the following comments in relation to comments published on Catesby's website www.catesby-snarltonfarm.co.uk regarding proposals:

- Concern is raised at proposals to release surface water into the public sewer, which is understood is not permitted.
- Object to proposals for Community Infrastructure Levy (CIL) funds to be used for transport infrastructure, education, health, community facilities such as indoor and outdoor sports /leisure facilities, outdoor play areas etc and green infrastructure, as these are usually included within Section 106 Agreements. It is understood developers cannot dictate what local authorities or parish/town councils can spend their CIL funding on.

If the development were to go ahead, the Parish Council welcome the opportunity to discuss aspects of the application and be party to the s106 agreement. In addition, they would like to see:

- Adherence to Melksham Neighbourhood Plan policies and emerging Neighbourhood Plan policies and evidence documents including the Melksham Design Guide and Housing Needs Assessment.
- Circular pedestrian routes around the site.
- The Parish Council seek the provision of play equipment above that required by the West Wiltshire District Council saved Policy in the Core Strategy and wish to enter into discussions being the nominated party for any proposed LEAPs

(Local Equipped Area of Play)/Play area and seek the following:

- A maintenance sum in the s106 agreement
 - Safety Surfacing extended beyond the play area fence line (by at least 30 cm) and for the whole area to be surfaced as such, with no joins to prevent future expansion gaps, and no grass that will require maintenance
 - Tarmac paths provided not hoggin.
 - No wooden equipment provided.
 - Dark Green Metal bow top fencing provided.
 - Clean margins around the edges, no planting.
 - Bins provided outside the play area.
 - Easy access provided for maintenance vehicles.
 - Public access gates painted red.
 - No inset symbols provided in the safety surfacing, which should be one solid surface.
- Equipment installed for teenagers such as a teen shelter/MUGA and somewhere to kick a ball around.
 - Contribution towards playing fields.
 - The provision of benches and bins where there are circular pedestrian routes and public open space and the regular emptying of bins to be reflected in any future maintenance contribution.
 - Connectivity with existing housing development so not isolated.
 - There are practical art contributions and the Parish Council are involved in public art discussions.
 - Contribution towards improved bus services, which serve the area.
 - Any bus shelters provided are suitable in providing Real Time Information (RTI) ie, access to an electricity supply, WiFi connectivity and are an appropriate height or provided with RTI already included.
 - Speed limit within the site is 20mph and self-enforcing.
 - Proposed trees are not planted on boundaries of new/existing housing, but further into public open spaces.
 - The development is tenant blind.
 - If adjacent to existing dwellings the design is such that the layout is garden to existing garden.

- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- Contribution to educational and medical facilities within the Melksham area.
- There is visible delineation between pavement and roads so they are easily identifiable.
- The provision of bird (swift boxes), bat and bee bricks, reptile refugia and hibernacula within the development, in order to increase biodiversity.
- There are various Rights of Way in the vicinity, which could be improved/upgraded, including the provision of lighting via Section 106 contributions from this application if approved. The provision of a footpath to access Prater's Lane from Sandridge Common (MELW40); MELW30 becoming a bridleway to connect up bridleways at MELW40 & 41. Provision of kissing gates on the various bridleways between East of Melksham and Redstocks.
- Provision of allotments with access to parking and water supply.
- Provision of convenience store with free access cash point.
- Ground source heat pumps to be included in proposals.
- To include capacity for hydrogen heating in the future within proposals.
- Provision of solar panels and storage batteries for every house or group of houses/block of flats.
- Inclusion of lifebuoys, noticeboards and defibrillators. The maintenance of these items to be undertaken by the management company, unless the council decides that they would like to take on the asset.
- Any housing adjacent to a potential community centre should include sound proofing and insulation to not restrict the design and activities of the community centre.

If this application is to be approved by a Planning Officer, the Parish Council ask that the application be 'called in' for consideration at a Wiltshire Council Planning Committee.

PL/2024/07506: Roundponds Farm, Melksham. Variation of condition 2 of 13/06707/FUL (Construction of a Solar Park including the installation of solar panels, security fencing and cameras, landscaping and other associated works and

cable route/trenching) to bring about the cessation of use on site and deliver land restoration to its former condition on 8 June 2055 (rather than on the 25th year anniversary of the date following the first electricity generation).

Comments: To **OBJECT** to proposals due to the proliferation of solar/battery storage facilities already built or proposed in the area that will exacerbate the issue of cumulative impact.

Wiltshire Councillor Holder left the meeting at 7.38pm.

[PL/2024/07545](#): 486a Semington Road, Melksham. Variation of condition 2 of PL/2021/07622 - To add a new front boundary wall to the landscaping of the site.

Comments: No objection.

[PL/2024/05016](#): 35 Westlands Lane, Beanacre. To build 3-bedroom detached house.

Comments: No objection.

174/24 Revised/Amended Plans/Additional Information: To comment on any revised/amended plans/additional information on planning applications received within the required **timeframe (14 days)**.

None received for consideration.

175/24 Lime Down Solar Farm

Councillor Richardson informed the meeting Community Action Whitley & Shaw (CAWS) had written to Lime Down regarding proposals many times, as well as to other organisations regarding their proposals.

The Clerk informed the meeting whilst she had been made aware the Planning Inspectorate website had not been working, this had now been resolved and the Planning Inspectorate's response and statutory consultees' responses, including Wiltshire Council's, were now available to view and would send the link through to Members.

Councillor Richardson explained having read the Planning Inspectorate's report they had not agreed with the developer that certain things should be taken out of the scope of the Environmental Impact Assessment (EIA), such as water and flooding issues, however, had agreed some issues were outside the scope of the EIA. They also shared the concerns of the Parish Council to proposals.

Councillor Richardson welcomed the Environment Agency's thorough

response on the water courses in the area which would be impacted, however, expressed disappointment in the submission from Wiltshire Council, particularly referring to Lime Down Solar generically as Land North of Hullavington which would upset the Whitley community who would be impacted by the potential battery storage facility north of the village.

176/24 Planning Appeals

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

Councillor Baines reminded the meeting the Appeal Hearing would be taking place on 10 September at 10.00am at White Horse Enterprise Centre, the Parish Council's previous submissions to the application had been in the agenda pack and the Clerk sought a steer if Members wished to raise anything further at the Hearing.

The Clerk explained she had spoken to the Planning Officer who had mentioned the recent Appeal Hearing decision regarding an application in Westbury and the Planning Inspectorate quoting a land supply figure of 3.85. The Planning Officer felt it would be useful for the Parish Council to put forward any requests for conditions at the Appeal Hearing.

The Clerk explained earlier in the day she had received an email from Wiltshire Councillor Jonathon Seed explaining Nic Thomas, Director of Planning had held a meeting with Wiltshire Council's QC and it had been decided Wiltshire Council would not defend the planning application at the Appeal Hearing, with Members expressing disappointment at this decision.

Given the recent Appeal hearing planning officers had sought advice regarding the Planning Appeal on 10 September and the advice they had been given was the Westbury decision appeared to be well considered and even if there was an opportunity to unpick the conclusions the Inspector had reached and if they wanted to challenge the findings, there was insufficient time to do this for the Melksham Appeal. The strong advice from their QC was to write to the appellant and the Inspector to say Wiltshire Council would not be defending the Appeal.

The Clerk explained she had discussed this with the Neighbourhood Plan consultants who had explained that whilst they understood how Wiltshire Council found itself in a position not to be able to demonstrate of 4-year housing land supply figure, the explanation did not address Melksham's

Neighbourhood Plan (NHP1), and the updated Paragraph 14 protection regained, it was also part of the development plan and asked what their Counsel's advice was on this. They also felt Nic Thomas's letter should explain if and how Wiltshire Council and officers have given weight to the reviewed Neighbourhood Plan (NHP2) and Paragraph 14 protection and if it was not considered felt their decision not to defend the Appeal was potentially unsound.

As this correspondence had only just come through, the Clerk explained she had contacted Wiltshire Councillor Seed to say the Parish Council may have a view on this at the meeting that evening and sought a steer from Members if they wished for her to contact Nic Thomas the following morning, hopefully prior to them sending a letter to the appellant and the Planning Inspector and to ask why the made Neighbourhood Plan (JMNP#1) had not been considered and still had 5 year's protection from July 2021 under NPPF Paragraph 14 and the proposed changes to the NPPF have not taken place as yet.

Councillor Glover suggested if the Clerk had time, that the Council's response was sent to Nic Thomas that evening which the Clerk agreed.

The Clerk informed the meeting that having gone through the comments the Council had previously made and spoken to the Planning Officer, suggested the following requests be raised at the Appeal Hearing if the eventuality that the Inspector was minded to approve the application:

- Attention be drawn to the Melksham Design Code, which seeks quality buildings and the use of natural materials, for example for the adjacent site the developers wanted to use plastic porches, this had not been accepted and so the design should match that of the adjacent site the developer calls "Phase 1"
- The Construction Management Plan needs to be tighter and not unambiguous, particularly given recent events whereby construction traffic from Phase 1 (adjacent) has been using Berryfield Lane via the A350 to access their site.
- The provision of a play area particularly as one has not been provided in Phase 1.
- A footpath be installed from the site to give residents more direct access to the Parish Council allotments on Berryfield Lane.
- Footpath provided to Pathfinder Way school.
- Right of Way contribution to improve access to the river.
- Provision of informal incidental play.
- Homes should be affordable to run and include insulation

- heat pumps, solar panels and batteries.
- Contribution towards purchasing more land for allotments.

Councillor Baines highlighted the main concern was how children from the development get to a primary school as they would either have to cross the A350 to get to Aloeric School or they had to get to the proposed new primary school at Pathfinder Way which currently had no useable route.

The Clerk explained having attended a previous Appeal Hearing which was not defended by Wiltshire Council suggested the Parish Council let Wiltshire Council know they would like to be involved in any discussions regarding conditions attached to any planning approval prior to the hearing and to remind the Planning Inspectorate on the day.

Resolved: 1. To write to Nic Thomas, Director of Planning to ask why the made Neighbourhood Plan (NHP1) had not been considered as it still had 5 year's protection from July 2021 under NPPF Paragraph 14 and that the proposed changes to the NPPF have not taken place as yet.
2. To approve the list of requests to raise at the Appeal Hearing on 10 September.

177/24 Tree Preservation Order: Land off Littleworth Lane, Whitley.

Members noted confirmation a Tree Preservation Order (TPO/2024/00011) had been made in relation to 13 oak trees and a woodland on land off Littleworth Lane, Whitley.

178/24 Current planning applications: Standing item for issues/queries arising during period of applications awaiting decision.

a) Blackmore Farm (Planning Application PL/2023/11188): Outline permission for demolition of agricultural outbuildings and development of up to 500 dwellings; up to 5,000m² of employment (class E(g)(i) & class E(g)(ii)); land for primary school (class F1); land for mixed use hub (class E/class F); open space; provision of access infrastructure from Sandridge Common; and provision of all associated infrastructure necessary to facilitate the development of the site.

The Clerk informed the meeting Highways had provided a response and had not objected to proposals and would therefore include this on the Planning Committee agenda for 23 September.

b) Proposed Primary School, Land at Pathfinder Way, Bowerhill. Reserved Matters application (PL/2023/08046) pursuant to outline permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the proposed primary school (including Nursery and SEN provision).

Councillor Baines noted the application was being considered at a Western Area Planning Committee on 4 September given objections received from neighbours concerned at overlooking and parking. With regard to overlooking, noted these concerns had been satisfied by a condition a large window facing Maitland Place be obscured glass and the first floor windows in the proposed new primary school be narrow and therefore restrict the width of vision from the school.

Councillor Glover informed the meeting Wiltshire Council were going to fence off the land as soon as it was transferred to them.

Councillor Richardson felt Wiltshire Council needed to explain to residents who had objected to proposals what they intended to do, to alleviate concerns raised and where was a mechanism to do this.

With regard to the no right turn as raised earlier in the meeting, the Clerk asked if Members wished to still raise this at this point, or to submit this concern to the Local Highway & Footway Improvement Group (LHFIG) for their consideration.

Councillor Baines informed the meeting he felt this was not an issue for LHFIG, particularly as they would ask the Parish Council to contribute 50% towards the costs of any scheme.

Concern was raised at the number of vehicles which would be coming off of Spa Road roundabout and turning right into the school and the very limited space available and the potential for vehicles to back up along Pathfinder Way/Spa Road, as well as difficulties for vehicles wishing to turn right out of the school. Therefore, the potential for people to start parking in Maitland Place or Newall Road which would cause issues.

The Clerk asked whilst the Parish Council had previously indicated they would not be attending the meeting on 4 September, in light of the concerns which had been disregarded in the Planning Officer's report, if the Parish Council wished to make representation at the meeting.

Resolved: For Councillor Baines to attend the meeting on 4 September at 3.00pm at County Hall to raise the request for no right turns and to ask Wiltshire Council to write to inform those residents who had raised concerns on what they intended to do in order to alleviate their concerns.

- c) **52e Chapel Lane, Beanacre (Planning Application PL/2023/05883)**
Erection of three dwellings, with access, parking and associated works including landscaping.

Members noted following officers contacting both the Environment Agency and Wessex Water for comments, both had stated they had not been asked to provide a response by Wiltshire Council and therefore would not be commenting on proposals, as they were not statutory consultees.

179/24 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

a) Pathfinder Way Development (16/01123/OUT), Pathfinder Way, Bowerhill.

Councillor Glover having attended the site meeting on 23 August informed Members the hoggin footpath within the public open space would need to be taken up and re-done, due to the various trip hazards found and whilst most of the trees planted remained, there were a few which had died. At the meeting, he had asked when the Heras fencing on the road side was removed if the hedging would be the barrier or fencing would be installed, unfortunately there had been no clear guidance on this at the meeting and therefore, had asked if no barrier was to be installed were Highways aware they would be responsible for cutting back any overgrowing shrubs into the public open space.

Regarding the play area at Pathfinder Place he had raised the question of the Engrossment Agreement and the fact the parish council did not appear to be a party to it and therefore unless made a party would still not have vehicular access to the play area.

b) 489a Semington Road.

The meeting was informed there was no update on recent enforcement action regarding breaches of planning conditions relating to the recently built garage (PL/2021/06824) being used as a dwelling.

c) Land West of Semington Road (Townsend Farm) - (PL/2023/00808 – for 50 dwellings)

Members noted a Wiltshire Council Highway Technician had taken up the issue of construction traffic accessing the site from Berryfield Lane via the A350, with changes made to the developer's access. They had also agreed to do various aspects requested and the Highways Officer would continue to check daily what the developers/contractors were doing on site and whether they were complying to conditions set out in the Construction Management Plan, he had also stated he was happy for residents of Townsend Farm to contact him if he had any issues.

a) Melksham Neighbourhood Plan

Members noted the consultation deadline had expired with responses received currently being reviewed and uploaded to a spreadsheet with the draft responses. Work continued on making changes to the Plan in line with those responses to prepare a Submission version for approval

The Clerk, Councillor Pafford as Chair of the Neighbourhood Plan Steering Group and Vaughan Thompson, Place Studio (Neighbourhood Plan consultants) were due to attend a meeting at Wiltshire Council on 5 September to discuss the Wiltshire Council response to the recent consultation.

b) Proposed changes to the National Planning Policy Framework (deadline 24 September)

i) To note correspondence from Planning consultants and Town Council (if received)

The Clerk explained having contacted the Council's Planning Consultants, they were able to provide a response to the consultation at a 'day rate'; and had agreed with Place that one day's work was an appropriate response. She had also approached the Town Council regarding their thoughts on the consultation and contributing to a joint response but had not received a reply as yet.

Councillor Pafford raised concern that the Town Council needed to agree their contribution towards the costs of producing the report and the lack of support/continuity from Councillors at Officers at the Town Council and felt their Mayor needed to take a lead on this.

ii) To note response from Councillor Nick Botterill, Cabinet Member for Finance, Development Management & Strategic Planning & Nic Thomas, Director, Planning, Wiltshire Council on how Wiltshire Council intend to respond to the consultation.

Members noted whilst Wiltshire Council intended to respond to the consultation, they would not be sharing their response.

The Clerk informed the meeting she had found the response from Councillor Clewer, Leader of Wiltshire Council to changes to the NPPF and had received the Campaign to Protect Rural England (CPRE) response as well and would be reviewing these.

c) Consultation on the pre-submission draft Gypsies and Travellers Development Plan Document.

It was noted there had been two gypsy/traveller sites suggested in the parish, which were two farms in Forest owned by Wiltshire Council, however, these had been subsequently eliminated.

Recommendation: To support the elimination of the Forest farms for the reasons stated in the report.

d) Semington Neighbourhood Plan.

Melksham Without Parish Council had been contacted regarding Semington's Neighbourhood Plan Regulation 16 consultation which was taking place between 7 August-24 September, with the Clerk seeking a steer if Members wished to provide a response.

The Parish Council had previously responded supporting the following policies:

Policy 6: Green Blue Infrastructure and Nature Recovery, which included the Kennet & Avon Canal and brook corridor which now had an extra bit added regarding biodiversity net gain.

Policy 7: Protecting Semington's Actively Rural Landscape which was similar to Melksham's Neighbourhood Plan (JMNP#2) Green Wedge Policy.

Policy 10: Housing Allocation Policy, which included land to the West of Turnpike Close for approximately 40 dwellings to enable a local shop, with the Parish Council previously stating this was another proactive, plan led housing allocation to be supported rather than having speculative development in the area. This had now been enhanced with flood risk.

It was noted the plan now included a Design Code and Master Plan as well as a Policy on sustainable energy.

Recommendation: Support the 3 policies as previously and welcome the new additions to the plan.

181/24 S106 Agreements and Developer meetings: (Standing Item)

a) Updates on ongoing and new S106 Agreements

i) Pathfinder Place

Members noted with disappointment that despite the Clerk chasing Wiltshire Council they had not provided an update on progress of the footpath connecting Western Way with Burnet Close.

ii) Buckley Gardens, Semington Road (PL/2022/02749: 144 dwellings)

The Clerk informed the meeting officers had contacted Planning Enforcement following concerns from a resident that work had been starting on site earlier than stated in the Planning Decision.

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

Further to the update provided earlier in the meeting regarding access to the site, the Clerk informed the meeting residents of Townsend Farm who had their outfall of excess sewage on the field to be built on had raised concern the sewage pipes had already cracked and were now lying on top of the earth. Also, the Drainage Plan which should have been shared with them had not been and this had been raised with Planning, as had residents' concerns regarding vibrations causing damage to outbuildings.

iv) Land South of Western Way for 210 dwellings and 70 bed care home (PL/2022/08504)

As noted earlier in the meeting there was no update regarding this application. However, the Clerk informed the meeting the land owners, Hallam Land had provided a response to the Neighbourhood Plan Regulation 14 consultation.

Councillor Glover informed Members at the site meeting on 23 August those present had viewed the access to this site which was inadequate, with a 90-degree right turn and narrow road leading to the site.

v) Bowood View, Semington Road (16/00497(OUT))

The Clerk informed the meeting the outstanding £3,800 public art maintenance S106 funds had now been paid to the parish council.

b) To note any S106 decisions made under delegated powers

None to report.

c) Contact with developers

i) New Road Farm.

The Clerk informed the meeting Bloor Homes had asked for a pre app meeting and had approached the Town Council for when their representatives would be available to attend.

Councillor Glover noted there had been an article on the news earlier in the day and whilst they had been discussing tower blocks, had mentioned the installation of wooden cladding, noting this was often installed on affordable housing and whether this something which needed to be taken account of in future when commenting on plans.

The Clerk sought suitable dates for the meeting when Councillor Wood, as Chair of the Planning Committee would be available.

Resolved: To arrange a meeting on 18 September during the day and to invite Wiltshire Councillors, Alford, Holder and Seed to the meeting as well as the Town Council representatives.

vi) Land at Upside, Bath Road, Melksham.

Both Councillors Pafford and Harris attended the Town Council Planning meeting on 27 August and provided an update following a presentation from representatives of Stantonbury on their proposals for the site which had been informative. It was noted the access to the site would be a 'T' junction onto the main road with no turning lanes or traffic control which was a concern. A small play area would be provided, as well as allotments, however, these were not marked out on the plan. There was also a proposed access for a footpath from Foundry Close.

At the meeting it had been raised how far the site was from doctor's surgeries with Town Councillor Graham Ellis providing a suggested solution in the reinstatement of one of the town buses which had stopped following Covid.

Councillor Harris noted whilst solar panels would be installed, batteries to store the energy would not be, which was disappointing.

The Clerk reminded the meeting a planning application had already been submitted and had been awaiting a decision from Wiltshire Council for over a year now as they had been waiting for the Environment Agency to comment on proposals.

It was explained assurances had been given at the meeting that concerns previously raised regarding drainage had been addressed and the Environment Agency were now happy with proposals.

Councillor Baines expressed concerns at the impact this application may have on flooding of the railway line adjacent to the site.

The Clerk explained having discussed this application with the Planning Officer previously they had explained the site was

allocated as a Principal Area of Employment in the draft Local Plan, therefore, there was a conflict of planning policy.

The meeting closed at 8.40pm

Signed:.....
Chair, Full Council, 9 September 2024