

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday, 15 January 2024 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); David Pafford (Vice Chair of Council); Alan Baines (Vice Chair of Planning); Mark Harris and Peter Richardson

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

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

354/23 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting, noting those present were aware of the fire evacuation procedures for the building and that the meeting was being recorded to aid production of the minutes and would be published on YouTube and that the recording would be deleted once the minutes had been approved.

355/23 To receive Apologies and approval of reasons given

It was noted Councillor Chivers was not present.

POST MEETING NOTE: Councillor Chivers advised by telephone message the following evening that he was back in hospital.

356/23 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 lodged with Wiltshire Council dealing with S106 agreements relating to planning applications within the parish.

357/23 **To consider holding items in Closed Session due to confidential nature** *Under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during consideration of business where publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted.*

The Clerk advised item 12(c) Contact with Developers be held in closed session

Resolved: To hold item 12(c) in closed session.

358/23 **Public Participation**

Standing Orders were suspended to allow Councillor Holder to speak to the Parish Council.

National Planning Policy Framework (NPPF)

Councillor Holder informed the meeting that following the announcement of changes to the National Planning Policy Framework (NPPF) in late December, this had been welcomed by both officers and Councillors at Wiltshire Council, particularly given the protection this affords via the Local Plan and neighbourhood plans. A Briefing Note was due to be issued shortly, confirming Wiltshire Council had a 4.6 year land supply, which would be used in any forthcoming planning application decisions. With regard to unsigned S106 Agreements of provisionally approved planning applications, these would be reviewed to ascertain if there was a desire to refuse them, based on the land supply issue.

Footpath to rear of Melksham Oak School (PL/2023/10488)

It was understood if the planning application were approved, the footpath would be constructed prior to the new school term in September.

With regard to any lighting of the footpath, hoped there was an ability to install some passive lighting rather than permanent lighting, which would only be triggered when there was movement and would be including this in his comments to Wiltshire Council, as well as asking for the shared use of the footpath to be properly delineated between pedestrians and cyclists, as well as a suggestion that litterbins be installed along the route.

Blackmore Farm (PL/2023/01949) and Snarlton Farm (PL/2023/07107)

It was understood these may be reviewed in light of the changes to the National Planning Policy Framework (NPPF).

Pathfinder Way School (PL/2023/08046)

With regard to the area of land to the north of the school which had not been landscaped, this area of land was outside the school site and therefore raised with Planning Enforcement, who had taken this up with Taylor Wimpey stating they needed to revisit the site and complete the landscaping as per their S106 Agreement associated with the Pathfinder Place development (16/01123/OUT).

It was confirmed once the public open space had been landscaped as per the S106 Agreement, Remus, the management company for Pathfinder Place, would be responsible for maintaining the area on behalf of the residents.

With regard to the toucan crossing on the A365, which connects to a footpath to the rear of Burnet Close, in the town, following a review of the S106 Agreement for Pathfinder Place, it was ascertained £124,000 indexed link funding was available to complete the continuation of the tarmac footpath which was currently a muddy footpath, with Wiltshire Council confirming the money had already been paid therefore, would look at how this element of the footpath could be completed.

Councillor Wood sought clarification if a fence would be erected around the school site, as currently there was a fence around the whole site including the public open space land to the north of the site, with Wiltshire Councillor Nick Holder confirming once the Land Transfer of the school site from Taylor Wimpey to Wiltshire Council had taken place, Wiltshire Council would erect a fence around the school site.

Councillor Wood expressed concern how Taylor Wimpey would be able to access the public open space area, in order to landscape it, if a fence was still erected around the site.

Councillor Holder explained a lot of work was required to landscape the public open space and possibly the Land Transfer could be delayed if it was not completed as per the S106 Agreement.

The meeting was informed discussion had taken place with Melksham Independent News on outstanding issues relating to the Pathfinder Place development and the failings of the developer to fulfil their planning obligations.

It was hoped to arrange a meeting with the Highways Team at Wiltshire Council on all the outstanding issues, in order to put pressure on Taylor Wimpey to complete them to a satisfactory standard.

Land South of Western Way for 210 dwellings and 70 bed care home (PL/2022/08155)

It was confirmed the S106 Agreement had been signed and therefore, would not be subject to a review by Wiltshire Council in light of the changes to the National Planning Policy Framework (NPPF). The S106 Agreement had been signed within a few days of the Appeal being heard and prior to the appeal decision being made.

The Clerk had contacted Wiltshire Council seeking an understanding of why this was the case, however, this practice was not uncommon.

Councillor Wood highlighted the Parish Council on many occasions had tried to engage with Wiltshire Council, in order to be involved in formulating S106 Agreements within the Parish.

The Clerk confirmed Nic Thomas, Director of Planning, Wiltshire Council had responded earlier in the day explaining he would like to undertake a 'pilot' scheme and informally speak to the parish council on S106 Agreements but had not been clear on when. The Clerk informed the meeting she had responded to say it was the principle of what was included in the S106 Agreement and not necessarily the wording of the agreement which the parish council wished to be involved with.

Standing Orders were reinstated.

359/23 To consider the following new Planning Applications:

PL/2023/10488: Fields North of Melksham Oak School, Bowerhill. Proposed surfaced and lit shared use path (SUP) from new development at East Melksham (Hunters Wood) across adjacent fields that connects access to Melksham Oak School and joins the A365 via a route through Woolmore Farm.

Councillor Glover welcomed the Ecological Impact Assessment Report completed by Johns Associates on behalf of Sustrans and included within the documentation to support the planning application. Although it recommended certain lighting and whilst preferring no lighting at all, felt what they proposed was acceptable, particularly as it recommended a time limit and when the lighting would be on and therefore would not affect the bats in the area.

However, raised a concern how the southern end of the work would interact with proposals for Woolmore Farm, particularly as the latest application, which had subsequently been withdrawn had shown a road going between the buildings, where the proposed footpath

would come out onto. However, it was understood another application would be submitted in due course.

Councillor Baines noted there was a proposed right-angled section of the footpath, which appeared to be narrower than the rest of the footpath, which potentially could result in conflict between pedestrians and cyclists.

Councillor Richardson noted whilst the Ecological Impact Assessment Report mentioned lighting, there was no mention of lighting within the proposals.

The Clerk stated she had contacted the Senior Transport Planner who had submitted the application to seek clarification on lighting for the footpath and they had confirmed “the application had been submitted with a condition on the lighting, as the detailed design of the path had yet to be established, with this being undertaken by the engineering team. There were some broad lighting specifications within the application form which officers from Lighting, Planning and Ecology had discussed and agreed.”

Councillor Glover suggested attention be drawn to the comments relating to appropriate lighting of the footpath in the Ecological Impact Assessment Report in the council’s response and to ask if there were further changes to the footpath, particularly with regard to the lighting, the parish council be consulted in the first instance.

Councillor Glover also noted on the plans it showed how the footpath would tie in with the access to the rear of Melksham Oak and queried with Councillor Pafford, as a Governor of the school, if there were proposals to open up the footpath to the rear of the school.

Councillor Pafford explained this matter had not been raised with the Governors.

Standing Orders were suspended to allow Wiltshire Councillor Holder to speak to this item.

Wiltshire Councillor Holder stated as this was a Wiltshire Council planning application, understood it would be considered at a Strategic Planning Committee and therefore, there would be an opportunity for the parish council to speak to proposals regarding lighting, particularly if the final specification did not satisfy the parish council.

Standing Orders were reinstated.

Comments: Whilst welcoming this application attention be drawn to the comments made in the Ecological Impact Assessment Report with regard to appropriate lighting of the footpath.

Given the right-angled design of the footpath, as shown on in the Concept Design Plan (1 of 2), which appears to be narrower than the rest of the footpath, there is a potential for conflict between cyclists and pedestrians.

The parish council also query how the footpath fits in with proposals for Woolmore Farm, including a recent application for 7 residential units (PL/2023/07756 variation of condition 1 of approved plans on PL/2022/05895), which whilst it has been withdrawn, the application included a road in the area the footpath will come out onto, with it understood an application for a similar proposal will be submitted in due course.

PL/2023/10153: 6 Osprey Close, Bowerhill. Single storey dining room extension, second storey bathroom extension and replacement bay window with roof windows above.

Comments: No Objection.

PL/2023/10590: 64 Shaw Hill, Shaw. Crown reduce Hornbeam (T1) by approximately 1.5m. Crown clean to remove deadwood and crossing branches. Crown raise to 2.5m. Consent under Tree Preservations Orders.

Comments: No Objection.

PL/2023/10713: 6 Berryfield Close, Melksham. Single Storey Rear Extension.

Comments: No Objection.

360/23 Revised Plans: To comment on any revised plans on planning applications received within the required **timeframe (14 days):**

Revised Plans had been received for Wharf Cottage, 533 Canal Bridge, Semington (PL/2023/08970 (LBC) & PL/2023/09344) for removal of a modern porch structure, new door joinery, removal of asbestos roofing on the curtilage of listed structures

Whilst the parish council had previously made no objection to the original proposals, as the application sat just outside the parish

boundary in Semington, noted the revised plans.

361/23 **Current planning applications:** Standing item for issues/queries arising during period of applications awaiting decision.

a) Blackmore Farm (Planning Application PL/2023/01949). Outline permission with some matters reserved for demolition of agricultural outbuildings and development of up to 650 dwellings; land for primary school; land for mixed use. To consider submitting new comments following the changes to the NPPF (National Planning Policy Framework)

The Clerk sought a steer from Members, in light of changes to the National Planning Policy Framework (NPPF), whilst Wiltshire Council were due to issue a Briefing Note on this, if they wished to submit new comments to Wiltshire Council now. It was noted whilst there was a housing allocation at Blackmore Farm in the draft Local Plan, this was for 425 dwellings, with an access off of Eastern Way, as opposed to 650 dwellings associated with this application, with proposed accesses off of Sandridge Road.

The Clerk suggested the question to Wiltshire Council would be, given the changes in the NPPF the current Neighbourhood Plan now has paragraph 14 protection for 5 years and protection of a 4 year land supply, which had just been confirmed by a Planning Inspectorate at a recent Appeal for an application in Southwick (PL/2023/00952) that this planning application be refused, as it was not plan led and was outside the settlement boundary.

Councillor Glover noted within the report from the Planning Inspectorate they had stated the development was unsustainable due to an infrequent bus service, which was coincidentally the X34 which also ran between Melksham and Trowbridge on the same timetable. Therefore, this would apply to developments on the X34 route in the parish, such as Townsend Farm (PL/2022/08155) for example and noted there were no buses serving the Blackmore Farm area or Snarlton Farm, therefore this would suggest these were also unsustainable.

Councillor Glover also noted the Planning Inspectorate had highlighted due to infrequent bus services people would be reliant on a car and therefore suggested the parish council use this as evidence in commenting on future applications where appropriate.

Following a query on settlement boundaries, the Clerk confirmed the draft Local Plan did not propose to change settlement boundaries. Therefore, as part of Regulation 14 consultation of the reviewed Melksham Neighbourhood Plan (JMNP#2) had submitted a comment stating as the draft Local Plan was not reviewing existing settlement boundaries that this is considered as part of the review, including the inclusion of a settlement boundary around Berryfield, which currently

did not have one, as it was classed as a small village in the current Local Plan (Core Strategy) and had been subject to lots of recent development, despite this. Therefore, if being outside a settlement boundary turned applications down, the inclusion of a settlement boundary should therefore stop development in Berryfield.

Resolved: To write to Wiltshire Council highlighting due to the changes in the NPPF, this application should be refused, as it was outside the settlement boundary, was not included in the current or draft reviewed Neighbourhood Plan (JMNP#2) and did not meet the policy in the draft Local Plan with regard to the housing allocation for the site.

- b) Snarltan Farm (Planning Application PL/2023/07107); Outline planning application with all matters reserved except for two pedestrian and vehicle accesses (excluding internal estates roads) from Eastern Way for the erection of up to 300 dwellings (Class C3); land for local community use or building (incorporating classes E(b), E(g) and F2(b) and (c)); open space and dedicated play space and service infrastructure and associated works. To consider submitting new comments following the changes to the NPPF (National Planning Policy Framework)**

The Clerk explained as with the Blackmore Farm development, given changes to the NPPF, asked if Members wished to submit additional comments to Wiltshire Council.

Resolved: To write to Wiltshire Council highlighting due to the changes in the NPPF, this application should be refused, as it was outside the settlement boundary, not included in the draft Local Plan or the current or reviewed draft Neighbourhood Plan (JMNP#2) as a housing allocation and therefore not plan led.

- c) 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).**
- i) To note response from Planning Enforcement, regarding area of land to the North of the proposed primary school.**

Members noted the response from Planning Enforcement and the update from Wiltshire Councillor Nick Holder earlier in the meeting.

**d) Land rear of 52e Chapel Lane, Beanacre (PL/2023/05883).
Erection of 3 dwellings, with access, parking and associated works, including landscaping (outline application with all matters reserved – Resubmission of PL/2022/06389)**

The Clerk reminded Members the applicant in their application had ticked a box to say the area had never flooded, which was not the case and had forwarded pictures of recent flooding of the site. However, these had not been accepted by Planning, as they had not been date stamped with the location clearly referenced. However, a Highway Officer had been to investigate recent flooding and had provided a report, including pictures which had been forwarded to the Planning Officer for information.

**e) Land to rear of Townsend Farm for 53 dwellings (PL/2022/08155).
To formally note outline application approved at a Strategic Planning Committee meeting on 29 November. The Head of Development Management has been given delegated powers to grant full planning permission, subject to first completion of a S106 Legal Agreement.**

The Clerk informed the meeting she had already approached Planning to ascertain when the S106 Agreement would be signed, noting the planning decision had yet to appear on the weekly decision list. Therefore, this could be one of the planning decisions to be reviewed by Wiltshire Council, given the changes to the National Planning Policy Framework (NPPF).

Councillor Glover queried whether at the Strategic Planning Committee on 29 November it had been agreed the developer should discuss with the developers of Phase 1 the provision of a play area to serve both phases.

It was clarified following advice from Wiltshire Council's solicitors at the Strategic Planning Committee meeting, it had been confirmed provision of a play area could not be included in the S106 Agreement or as a condition of planning permission, however, an advisory regarding play provision had been included in the Decision Notice.

The Clerk informed the meeting she understood with regard to Phase 1 (PL/2023/00808) of the site, there had been a condition to provide a play area or a contribution towards play provision.

Resolved: To seek clarification if planning permission has been granted, subject to the completion of a S106 Agreement and if not, to write to Wiltshire Council highlighting the changes to the NPPF stating this application should therefore be refused as it is outside the settlement boundary, is not allocated in the draft Local Plan or in the

current or reviewed draft Neighbourhood Plan (JMNP#2) and therefore is not plan led.

f) Wilts & Berks Canal Melksham Link (Planning Application No: 12/01080)

i) To consider response of the Wilts Swindon & Oxfordshire Canal Partnership to the Local Plan Review.

Members noted the group's response to the Local Plan Review.

ii) To note the Wilts Swindon & Oxfordshire Canal Partnership have received S106 funding from Buckley Gardens development (20/01938(OUT), Semington Road (£500 per residential unit) for the Wilts & Berks Canal Restoration Project (Melksham Link).

The Clerk reminded Members the parish council had asked for funding in the S106 Agreement for the group, who were using the funding to commission a study which had been requested.

362/23 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

a) 489 Semington Road: Erection of double garage and home office (PL/2021/06824) & Certificate of Lawfulness for existing separate annex (PL/2022/02893).

Members noted the update from Planning Enforcement on both applications.

The application regarding lawful use of the annex was currently at Appeal (PL/2022/02893), however, a resident had noted the annex being advertised on a local estate agents' website for rent and seen potential tenants being shown around. Planning Enforcement were aware, however, until the outcome of the Appeal was known, they could not take action.

b) 1 Lancaster House, Bowerhill.

Members noted the update from Planning Enforcement.

c) Land East of Semington Road (Buckley Gardens). Development of 144 dwellings (PL/2022/02749)

The Clerk informed the meeting officers had received several calls from residents of Shails Lane concerned construction vehicles were using the lane and that a gap had appeared in the hedge. However, after contacting Planning Enforcement, David Wilson Homes were insisting the vehicles using the lane were from Wessex Water and

not involved in the construction of the site.

Therefore, residents were being asked to provide photographic evidence and or registration numbers to forward to Planning Enforcement, in order to investigate.

A call had also been received earlier in the day that work had started on site at 7.15am, which was contrary to the conditions of the planning application, with Planning Enforcement made aware.

Wiltshire Councillor Jonathon Seed was also aware of the issues raised by residents and was very supportive of their concerns.

d) Land rear of 46 Belvedere Road, Bowerhill

Councillor Pafford informed the meeting the oak on Hornchurch Road, Bowerhill which had been subject to a request for removal some months ago (PL/2022/00900), due to damage it was causing to an adjacent property and which had subsequently been refused by Wiltshire Council, had recently been unsympathetically pollarded. It was understood that it had a Tree Preservation Order on it and therefore required permission to undertake this work but was not aware of such an application having been submitted to the parish council for comment.

Resolved: To ascertain from Wiltshire Council if relevant permission had been sought from the landowner to undertake this work.

363/23 Planning Appeals

a) 89 Corsham Road, Whitley. Proposed side extension (PL/2023/03257).

To note the applicant has appealed the decision by Wiltshire Council to refuse the application.

364/23 Planning Policy

a) Neighbourhood Planning

i) To receive update on NHP#2 and Regulation 14 consultation

The Clerk provided a short update following the Regulation 14 consultation and informed the meeting the steering group would be meeting later in the week. This meeting would be to decide what effect the changes to the NPPF would have on the programme for the neighbourhood plan, if any, as the current plan now had protection up to 5 years from when it was made in July 2021.

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

None to report.

b) Levelling Up and Regeneration Bill 2023 and reforms to national planning policy

- i) **To note changes to the National Planning Policy Framework (NPPF) and consider next steps**

Members noted the changes to the NPPF as proposed in the Level Up and Regeneration Bill 2023, which had been passed at the end of last year.

- ii) **Street Vote Development Orders Consultation. To consider a response to the consultation which closes on 2 February 2024**

The Clerk informed the meeting, she had reviewed the document, and provided a summary.

With regard to some of the questions in the consultation had a concern at the level of community engagement proposed and suggested any engagement needed to include everyone in the street and surrounding streets and also town/parish councils, as well as the local neighbourhood plan steering group and local authority.

Concern was expressed someone could propose something which was in total conflict with the local neighbourhood plan and cause conflict in general between communities.

Resolved: To respond to the consultation stating parish and town councils, as well as relevant neighbourhood plan steering groups and local authority should be consulted on any street vote development order, in order to be engaged with the process, with any Street Order being required to be in conformity with local neighbourhood plans.

c) Rural Housing. To consider CPRE report on Unravelling a Crisis: The State of Rural Affordable Housing in England

Members noted the information contained within the above report.

365/23 S106 Agreements and Developer meetings: (Standing Item)

a) Updates on ongoing and new S106 Agreements

i) Pathfinder Place:

The Clerk informed the meeting, with regard to maintenance vehicles accessing the play area, Taylor Wimpey had queried how large these would be and therefore the transfer of the play area to the council was still ongoing.

It was agreed representatives from the Parish Council would attend a proposed meeting with Highways, as referred to earlier in the meeting by Wiltshire Councillor Nick Holder.

ii) Buckley Gardens (144 dwellings on Semington Road)

Members noted the concerns raised earlier in the meeting under planning enforcement and that the parish council had received £82,327.16 in Community Infrastructure (CIL) funding.

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

The Clerk asked if consideration could be given to street names for this development and the proposed adjacent site for 53 dwellings (Phase 2: PL/2022/08155).

Councillor Wood suggested local field names might be appropriate and further consideration of a theme was required.

Resolved: To defer this to a future planning meeting.

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

Members noted the S106 Agreement had already been signed and therefore was not able to be reviewed following the recent changes to the National Planning Policy Framework (NPPF).

The Clerk informed the meeting the S106 Agreement was yet to be reviewed by parish officers.

b) To note any S106 decisions made under delegated powers

None.

c) Contact with developers

THIS ITEM WAS HELD IN CLOSED SESSION.

The Clerk informed the meeting a local builder had contacted her stating he was interested in purchasing an area of land in Shaw, with a view to putting in a yard and converting two buildings for his family to live in.

The potential developer was seeking advice on whether to develop the whole site in one go as other buildings were included on the site or individually, with the Clerk having advised they seek pre planning advice from Planning at Wiltshire Council.

Meeting closed at 8.02pm

Signed:.....
Chair, Full Council, 22 January 2024