

**MINUTES of the Planning Committee of Melksham Without Parish Council
held on Monday, 22 July 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), Terry Chivers and Mark Harris

Officer: Teresa Strange, Clerk

In attendance: Councillor Martin Franks and Wiltshire Councillor Nick Holder (Bowerhill)

112/24 Welcome, Announcements & Housekeeping

The Clerk reminded the members that the 12 August planning meeting date was fluid and to date only one planning application had been received, with officers trying to get an extension on the deadline for submitting comments to Wiltshire Council. If agreed, therefore, the next Planning meeting would take place on Monday 19 August.

Councillor Wood noted those present were aware of the fire evacuation procedures for the building and that 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.

113/24 To receive Apologies and approval of reasons given

Apologies had been received from Councillor Glover who was away and Councillor Richardson who was unwell.

Resolved: To accept and approve the reasons given for absence.

114/24 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.

115/24 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 item 12(c)(i) as 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)(i) regarding the meeting held on 5 June be held in closed session, as the landowner did not wish the information to be in the public domain as yet which had previously been agreed by the members.

Resolved: To hold item 12(c)(i) in closed session for the reasons given.

116/24 Public Participation

Standing Orders were suspended to allow Wiltshire Councillor Nick Holder to address the meeting.

Wiltshire Councillor Nick Holder informed the meeting he had looked at the two planning applications for Bowerhill on the agenda and from his perspective could not see a planning reasons to say no to the applications but would listen to the debate and decide if the council wished him to take any action.

With regard to the proposed new primary school on Pathfinder Way he noted that clarification had been sought earlier in the day by the Clerk as proposals appeared a bit ambiguous, with it clarified an additional entrance to the front of the school around the gas governor would be provided. It was confirmed the planning application would be considered at a Strategic Planning Committee meeting as Wiltshire Council are the applicants.

Clarification was still awaited from Planning Enforcement that the remedial works to be carried out by Taylor Wimpey had been completed. Whilst noting updates on current planning applications was already included on the agenda, Wiltshire Councillor Holder suggested the parish council also include this application under Planning Enforcement as a standing item, as it was still to be resolved. Once resolved, this would mean the public open space adjacent to the school site could be opened up and once the planning application for the school had gone through its process, the land transfer of the school site could be affected.

With regard to the legal transfer for the land, this had been chased with Wiltshire Council, who had confirmed there was no legal reason why this could not be affected. At the point the land transfer is completed it had been confirmed the site for the school would be secured with a fence, similar to that to the rear of Bowerhill Primary School.

Standing Orders were reinstated.

117/24 To consider the following new Planning Applications:

PL/2024/05160: 26 Elm Close, Bowerhill. Double storey side extension.

Comment: No objection

PL/2024/05800: 18 Blenheim Park, Bowerhill. Demolish single flat roof garage and replace it with a single storey extension incorporating a double garage with a pitched roof with a rear hip.

Comment: No objection.

PL/2024/05921: Land to the North West and South of West Hill, Whitley. Change of use of land, one field north of West Hill and one field South of West Hill. From agricultural to equestrian, permission for existing stables and siting of two shipping containers and horse box.

Comment: No objection, however, suggest the shipping containers be of a colour to blend in with their surroundings.

118/24 Revised/Amended Plans/Additional Information: To comment on any revised/amended plans/additional information on planning applications received within the required **timeframe (14 days)**.

PL/2023/08046: Land at Pathfinder Way, Bowerhill. Reserved matters application pursuant to Outline Planning Permission 16/01123/OUT relating to the appearance, landscaping, layout and scale of the Proposed Primary School (including Nursery and SEN provision)

The Clerk explained she had sought clarification on proposals, with it confirmed whilst one access had been removed, a new access had been provided elsewhere, however, having looked at previous plans, could not find where the access subsequently removed had been located on the plans.

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

Wiltshire Councillor Holder explained a meeting had been held recently with Wiltshire Council and various things agreed, including the provision of a second

access further around the site to give better access from the adjacent site for 210 dwellings, which had been a request from the parish council. Access would be via the hoggin footpath adjacent to the site, which also provided access to the pedestrian crossing to Burnet Close in town.

Standing Orders were reinstated.

The Clerk sought clarification if there was a barrier from the “pedestrian route” adjacent to the car park to prevent children straying across the car park; particularly those that were old enough to walk/scoot/cycle to school unaccompanied. It was noted there was a pedestrian route across the car park, therefore it was queried if someone would be on duty to supervise at the beginning and end of the school day.

Comments: Members welcomed the revised plans and the inclusion of an additional pedestrian access to the site; this is to co-ordinate with the following policy:

Policy 7.6 in the revised draft Neighbourhood Plan 2 (Version Reg 14: June 2024) which is currently being consulted on and includes the adjacent site for 210 dwellings and a 70 bed-care home approved at Appeal (PL/2022/08504). Policy 7.6 point 13 states:

‘Create a pedestrian and cycle only access from Western Way and the Public Right of Way MELW42 to the west of the site boundary and a pedestrian and cycle path network including a spine and orbital pedestrian route connecting with on-site green and blue infrastructure and neighbouring communities, schools and facilities and Bowerhill employment area.’

119/24 Lime Down:

a) To consider reply from Wiltshire Council following submission of parish council’s consultation comments.

Whilst it had been understood Wiltshire Council were not being consulted on proposals, Lime Down Solar at a recent meeting had stated Wiltshire Council were being consulted. The Clerk had therefore written to the Director of Planning seeking clarification, who had written back stating Wiltshire Council had not received a formal request for their views or opinion.

The Clerk noted they must be a consultee for the Scoping Opinion for the Environment Impact Assessment and forming an opinion and

therefore may wish to know what locals are thinking about the proposals. She suggested resending the email to the Director of Planning stating they were about to submit a comment on what should be included in the Environmental Impact Assessment, which Members agreed.

b) To consider any other correspondence that has arisen

The Clerk informed the meeting the Planning Inspectorate had contacted the parish council, but was after the issue of the agenda so unable to consider a response this evening, but wished to raise it as an additional item under 8(d) in terms of way forward due to the short deadline.

c) Lithium-ion Battery Safety Bill 2024.

Given the deadline earlier in the week Members had been asked to confirm their support for the Lithium-ion Battery Safety Bill 2024 and suggested additional statutory consultees via email, with the Clerk asking for this to be formally recorded in a meeting.

Resolved: To approve the response submitted:

Proposed clause in the Bill:

3. Lithium-ion battery storage facilities

(1) for the purpose of ensuring better safety of and public acceptance of Industrial lithium-ion battery storage facilities:

- (a) the Environment Agency; and
 - (b) the Health and Safety Executive; and
 - (c) the local fire and rescue service for the relevant area
- shall be statutory consultees when planning applications are considered.

This is welcomed and supported, but the parish council do feel it could go further. They support Natural England and Historic England (and their regional counterparts) to be statutory consultees too. In the case of it being a DCO (Development Consent Order) and a decision made by the Secretary of State as a national infrastructure project, the Local Planning Authority should also be a statutory consultee. These are the statutory consultees, along with the Environment Agency, for Strategic Environmental Assessments, and Neighbourhood Plans for example.

In addition, they think there should be two other proposals:

- Large-scale BESS (Battery Energy Storage System) should be COMAH establishments (Control of Major Accident Hazard Regulations 2015) and be regulated appropriately. BESS are not currently within scope of COMAH. BESS facilities have significant

health and safety risks and COMAH is intended to safeguard public health, property and the environment.

- Engineering standards should be developed to address the risks of “thermal runaway” in order to pre-empt propagation of runaway events.

A useful reference material is the paper “Safety of Grid Scale Lithium-ion Battery Energy Storage Systems” 5 June 2021, by Eurlng Dr Edmund Fordham, Dr Wade Allison and Prof Sir David Melville.

https://www.researchgate.net/profile/Wade-Allison/publication/352158070_Safety_of_Grid_Scale_Lithium-ion_Battery_Energy_Storage_Systems/links/60bbaa59299bf10dff9c66f9/Safety-of-Grid-Scale-Lithium-ion-Battery-Energy-Storage-Systems.pdf

d) Lime Down proposals: Environmental Impact Assessment

The Clerk informed the meeting the Planning Inspectorate had consulted the parish council as a statutory consultee on the scoping document submitted on what should be included in the Environmental Impact Assessment (EIA). Councillor Richardson as a Member of Community Action Whitley & Shaw (CAWS) was currently undertaking quite a bit of work on the group’s behalf as to what should be included in the EIA.

The Clerk had sought advice from the Neighbourhood Plan Consultants if technical support in responding to the request was required. Place Studio had responded to say as statutory consultees for the technical aspects were being consulted on this would not be necessary, what the Planning Inspectorate was looking for was specific local knowledge and the community view from the parish council.

Therefore, the Clerk suggested providing a response for approval at the Full Council meeting on 29 July, along with the response from Community Action Whitley & Shaw (CAWS), with Members agreeing to this approach. The Clerk had provided in late papers the parish council’s response to the public consultation on the original proposal, with highlights of all those relevant to the EIA scoping document as initial proposed response from the parish council.

120/24 **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.

No update to report.

121/24 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

The Clerk explained at the Planning meeting held on 8 July, the owner of 489 Semington Road had stated several times in the meeting they, along with their family, were living in the garage which they were calling the “Coach House” which was a direct contravention of the planning conditions. Therefore, Planning Enforcement had been informed and a copy of the meeting recording provided. Planning Enforcement had responded, explaining the resident had two options either applying for temporary planning permission with a legitimate reason why they needed to reside in the garage or move out in the next 12 weeks, which would give them time to find alternative accommodation. The resident had to report back within 14 on which one of these actions they were taking.

122/24 Planning Policy

a) Melksham Neighbourhood Plan:

The Clerk informed the meeting the reviewed draft Neighbourhood Plan (JMNP2) had gone out for an extended period of consultation due to the extra option viability study for Cooper Tires being completed. Wiltshire Council had stated if the Steering Group were consulting on this and therefore included in the evidence pack, it had to be consulted on for 6 weeks. Therefore, the consultation would now finish on Thursday, 22 August, which gave 9 weeks in total for the consultation.

Members were advised the last drop-in session would take place the following evening at Bowerhill Village Hall between 5-8pm.

b) Gypsies & Traveller Development Plan.

Members noted the pre-submission consultation under Regulation 19 on the Gypsy & Traveller Development Plan would start the week commencing 19 August. It was noted that there were no new sites proposed in the Melksham area.

123/24 S106 Agreements and Developer meetings: (Standing Item)

a) Updates on ongoing and new S106 Agreements

i) Pathfinder Place:

The Clerk informed the meeting road surfacing work had been completed on Newall Road.

Councillor Harris asked if the painted 'H' bar in front of the dropped kerb in Tedder Gardens could be escalated with Taylor Wimpey as the road surfacing work had taken place.

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

Councillor Wood informed the meeting two houses had now been sold and understood the road to the Wessex Water Treatment Works would not be open through Buckley Gardens until the end September/early October.

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

No update to report.

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

The Clerk informed the meeting it would be useful to highlight to Wiltshire Council in commenting on the revised plans for Pathfinder Way Primary School (PL/2023/08046) on the planning policy relating to the adjacent site for 210 dwellings and 70 bed care home (PL/2022/08504), which had been included in the reviewed draft Neighbourhood Plan (JMNP2) as a housing allocation and sought a footpath from the site to the school.

Members agreed to this suggestion.

b) To note any S106 decisions made under delegated powers

None.

c) Contact with developers

(i) To consider correspondence and revised plans following pre application meeting on 5 June.

Members noted the information sent from the landowner and were content with the revised plan.

Meeting closed at 7.36pm

Signed:.....
Chair, Full Council 29 July 2024