

**MINUTES of the Planning Committee of Melksham Without Parish Council held
on Monday 21st October 2024 at Melksham Without
Parish Council Offices (First Floor), Melksham Community Campus, Market
Place, SN12 6ES at 7:00pm**

Present: Councillors Richard Wood (Committee Chair), David Pafford (Council Vice-Chair), Alan Baines (Committee Vice-Chair), Martin Franks, Peter Richardson, and Mark Harris.

By Zoom: Councillor Glover (from 7:12 pm) and Wiltshire Councillor Mike Sankey.

Officers: Teresa Strange (Clerk) and Marianne Rossi (Finance & Amenities Officer).

238/24 Welcome & Housekeeping:

Councillor Wood welcomed everyone to the meeting; as there were no members of the public in the room and everyone in attendance regularly attended council meetings, the housekeeping messages did not need to be read out. Everyone present was aware that the meeting was being recorded and would be published on YouTube following the meeting and deleted once the minutes were approved.

239/24 Apologies:

Councillor Glover tendered his apologies due to being unwell; this reason for absence was accepted. Councillor Glover did subsequently attend the meeting via Zoom but understood that he would be unable to vote as he was not considered to be present at the meeting.

The Clerk advised that officers had not heard from Councillor Chivers; however, Councillor Franks was in attendance at the meeting as his substitute as per a standing arrangement in place.

240/24 Declarations of Interest: None

241/24 Dispensation Requests for this Meeting: None

242/24 Parish Council standing dispensations relating to planning applications:

It was noted that the parish council has a dispensation lodged with Wiltshire Council to deal with S106 agreements relating to planning applications within the parish.

243/24 To consider holding items in Closed Session due to confidential nature:

Agenda item 12ci was related to a meeting with Tor & Co. and Martin Grant Homes, which needed to be confidential at this stage at the request of the developer. Agenda item 12cii was in relation to an update from a local business on their search for employment land, which was also confidential at this stage.

Resolved: Agenda items 12ci and 12cii be held in closed session for the reasons detailed above.

The council agreed to suspend standing orders for a period of public participation.

244/24 Public Participation:

Wiltshire Councillor Sankey noted that this committee would be discussing the Octavian Bonded Warehouse planning application this evening and wished to make members aware that all commercial vehicles are directed to turn right when leaving the Eastlays complex. This means that it will take these vehicles through areas of the parish, including Shaw, Whitley, and Beanacre.

He also wished to listen to the council's deliberations on the application to remove the planning condition on The Acorns/Hunters Wood application. He explained that he has spoken to the case officer at Wiltshire Council about this application and has been advised that he can "Call In" this application which he has done. He explained that he had complained to Wiltshire Council in August concerning the developers' non-compliance with getting the road and roundabout constructed and completed before the occupation of 350 dwellings, which has now passed. The developers have blamed Wiltshire Council for the non-compliance, and it would appear from the application to remove the planning condition that the pre-app advice was given by an enforcement officer at Wiltshire Council. He feels that this is an attempt to cover the fact that the developer did not comply with the planning conditions and Wiltshire Council failed to act upon it; he feels that for this reason this application should be opposed.

Councillor Wood asked members whether they wished to ask Wiltshire Councillor Sankey any questions before the meeting went back into session.

Councillor Richardson advised that he was unaware of the direction for commercial vehicles to only turn right out of the Eastlays complex and had not seen any signage to this effect. He queried whether this was to stop the traffic flow and noise through Gastard. Wiltshire Councillor Sankey explained that some years ago at the planning stage of this site, a Wiltshire Councillor for Gastard had visited the site and made comments with regard to turning out of this site, and subsequently this instruction was put into place. It was noted that this was only an instruction to turn right out of the site, and there was no legal obligation for commercial vehicles to abide by this. Councillor Richardson had noted that he had seen vehicles turning left out of this site.

The committee reconvened.

245/24 Planning Applications: The Council considered the following applications and made the following comments:

- a) [PL/2024/08989](#): **Bloor Homes/David Wilson Homes, Basil Drive, Melksham, SN12 6ZJ:** Removal of condition 28 relating to application 14/10461/OUT Outline application for up to 450 dwellings (now known as The

Acorns/Hunters Wood). 28: No more than 350 dwellings hereby permitted shall be occupied until the highway infrastructure identified as Phase 3 has been constructed and completed in accordance with the approved plans.

Comments: The parish council strongly object to the removal of condition 28 and feel that it should remain in place and be enforced.

- b) [PL/2024/08390](#): **Orchard House, 236 New Road, Melksham, SN12 7QZ:** Rear/Side second storey extension over existing footprint. Applicant: Mr. Potter.

Comments: The parish council have no objections.

- c) [PL/2024/08718](#): **19 Shaw Hill, Shaw, Melksham , SN12 8ET:** Proposed Ground Floor Rear Kitchen Extension and New First Floor En-Suite Extension over existing Entrance Hall. Applicant: Mrs. Adams

Comments: The parish council have no objections.

- d) [PL/2024/03104](#) **Octavian Bonded Warehouse, Goodes Hill, Gastard, Corsham, SN13 9PP:** Proposed construction of 2-storey extension to the side of existing offices and single storey storage building. Applicant: Octavian Wines Ltd

Comments: The parish council have no objections.

- e) [PL/2024/09245](#) **Whitley Brow, 178 Top Lane, Whitley, Melksham, SN12 8QU:** Consent under Tree Preservation Order (TPO) 2 x Horse Chestnut trees – crown lift to 3m; reduce height by up to 4m; reduce sides by to 3m and remove major deadwood. Applicant: Steve Dallard

Comments: The parish council have no objections.

246/24 Planning Appeals & Decisions: Appeal decision (upheld/approved) for Land to the west of Semington Road, Melksham SN12 6EF PL/2022/08155 APP/Y3940/W/24/3343787.

Members noted that the recent planning appeal for land to the west of Semington Road, Melksham, was upheld.

247/24 Current planning applications: Standing item for issues/queries arising during period of applications awaiting decision.

- a) **52e Chapel Lane, Beanacre (Planning Application PL/2023/05883)**

The Clerk advised that there had been no new matters arising on this application.

- b) **Land south of Snarlton Farm, Snarlton Lane, Melksham, SN12 7QP (Planning Application PL/2024/07097.**

The Clerk advised that there had been no new matters arising on this application, other than to note the NHS response to the application.

c) Land at Blackmore Farm, Sandridge Common, Melksham, SN12 7QS (Planning Application PL/2023/11188):

The Clerk reminded members that at the last planning committee meeting they considered some revised plans for the Land at Blackmore Farm planning application. It was noted that there were only a few changes made to the applications relating to a new proposed access junction onto Sandridge Common Road from the development. The parish council had reiterated their previous comments with regard to only having one access to the development, which is not considered to be suitable. The Clerk explained that Wiltshire Councillor Holder had forwarded the comments to the Wiltshire Council planning officers and endorsed the parish council's comments. Wiltshire Councillor Holder has confirmed that even though this site is included in the draft Wiltshire Local Plan, due to the size of the development, it has been called in and will go forward to the Wiltshire Council Planning Committee.

Members noted the NHS response to the application.

248/24

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

a) 489a Semington Road: Response from Wiltshire Council regarding next steps following the refusal of the Certificate of Lawfulness for the use of the annexe:

It was noted that the resident was still living in the annexe, and the parish council had previously queried with Wiltshire Council what the next steps were with regard to this, considering the Certificate of Lawfulness for this use was refused. Wiltshire Council had now come back and advised that the owner's agent was in the process of submitting a temporary application for the resident to reside in the garage while the development on the land next door was taking place. It was advised that this should be submitted to Wiltshire Council within 4 weeks. It was noted that this email correspondence from Wiltshire Council was dated 24th September, so this time period has now passed. It was noted that at a previous planning meeting, members had received correspondence from Wiltshire Council advising that the resident had two options with regards to using their garage as living accommodation. Either applying for temporary planning permission with a legitimate reason as to 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. Members expressed frustration that this time had now passed without any evident action being taken. Members felt that another email should be sent to Wiltshire Council requesting an update on whether an application has been received to temporarily reside in the garage and, if not, to query the next enforcement steps as the resident should not be living in the garage without the appropriate permissions in place.

Resolved: The Clerk write to Wiltshire Council and request an update on whether the resident has submitted a temporary application to reside in their garage as previously advised. If this hasn't been submitted questions should be raised as detailed above.

b) Land West of Semington Road, Melksham (Townsend Farm):

i) Enforcement report regarding unauthorised access to site and any update received as a result

It was noted that the parish council had previously raised concerns with Wiltshire Council with regard to construction vehicles accessing this site from Berryfield Lane and via the A350 rather than the approved access on Semington Road. This access was considered to be highly dangerous, and the parish council has expressed these highway concerns previously. Councillor Franks confirmed that construction vehicles were still accessing this site, and he noted that just this afternoon he had witnessed a truck going down Berryfield Lane via the A350 and depositing mud all down the road. He has also noted that the parts of the lane had recently been repaired, and this is now getting damaged again due to these heavy-duty vehicles using this as a site access to the development. It is understood that the reason why the approved access wasn't being used was due to a BT chamber obstructing the access. Wiltshire Council's Planning Enforcement department had updated the parish council to advise that an updated construction management plan (CEMP) has just been submitted for review via a Discharge of Condition application. A meeting is due to be arranged with the developers and Wiltshire Council Highways in due course to discuss this matter; however, to date no information has been provided as to when this is scheduled to take place. Members expressed frustration that it appeared that nothing was being done to stop the dangerous access off the A350 and the impact on residents with construction vehicles coming down Berryfield Lane and through the residential area in Berryfield Park. As such, this needed to be escalated, especially as it was considered to be dangerous for construction vehicles to use this access.

After a discussion, members felt that as the approved planning conditions do not appear to be enforced and something needed to be done as a matter of urgency to stop these vehicles, Wiltshire Councillors Nick Botterill (Cabinet Member for Planning), Nick Holder (Cabinet Member for Highways), Jonathon Seed (Local Member for Melksham Without West & Rural), and Nic Thomas (Director of Wiltshire Council Planning) should be contacted to progress this matter.

Resolved: The council contact the Wiltshire Council members as detailed above to progress this matter.

ii) **Vibration monitor report following residents' request to developers and any further correspondence as a result of this request:**

Members were reminded that at the last planning meeting the council had requested that regular vibration monitoring reports should be issued. This was following a report from a resident during public participation that her house vibrated every time heavy machinery travels across the site. It was noted that the latest readings indicated that no measurement reached the transient guide levels for cosmetic or structural damage to buildings. This is despite the fact that the resident is reporting that cracks have appeared in areas of her home since work started. The Clerk had contacted Building Control at Wiltshire Council to see whether there was any more that could be done; however, she had been advised that this was a civil matter so there wasn't anything that they could get involved with. The resident has been advised to keep a detailed log of events with timed and dated photographs in case it is needed for a civil claim in the future.

Members noted this.

c) **Semington Road: Possible breaches of enforcement.**

The Clerk reported that someone has made an entrance near the bus gate on Semington Road, which is on Wiltshire Council owned land and is currently being investigated. It was noted that in the process of making this unauthorised access, the hedgerow was also taken out, which is Wiltshire Council property.

Secondly, the council has received reports from residents about works appearing to be being undertaken in the New Inn Pub Garden. It was queried whether this should be raised with planning enforcement. Councillor Franks advised that the structure wasn't large and was a cover for people using the pub garden.

d) **Westland Farm, Westlands Lane Battery Storage sites: Noise complaint:**

The Clerk explained that some time ago a resident of Corsham Road in Whitley made a complaint to Wiltshire Council's Public Protection department regarding the noise coming from the battery storage facilities in Whitley (Westlands Farm, Westlands Lane, Whitley, Melksham). A further complaint has been made to Wiltshire Council by the resident in relation to noise coming from this area. The Clerk advised that in May of this year there was a variation of conditions for the installation of more batteries at both of these sites, so she assumes that this is what the noise was (PL/2024/01377 & PL/2024/01378). The Clerk explained that the resident is unhappy that residents were not consulted or made aware of the variation of conditions. Wiltshire Council have gone back to the resident and has asked them to keep a detailed diary of the noise, which had previously been documented. The resident wanted to make the council aware and tell local members that she felt that this wasn't very

helpful advice from Wiltshire Council, especially as the noise was coming from the same site as before, which had already been documented. Councillor Richardson confirmed that some battery units have been delivered over the past few weeks, which has been noticed by residents. Members noted this complaint to Wiltshire Council.

249/24 Planning Policy

a) Neighbourhood Plan update:

The Clerk advised that the Neighbourhood Plan had been approved by Melksham Town Council at their meeting on Tuesday 8th October. She reported that the plan was nearly ready for submission to Wiltshire Council, pending the checking of the final few supporting documents, and hopes for it to be submitted in the next few days. Once the plan has been submitted, there will be a press release to direct members of the public to the website to view the comments and what changes have been made to the plan as a result.

Members thanked everyone involved in the production of the Neighbourhood Plan and its supporting documents.

b) Local Plan:

The Clerk advised that she has had a brief look at the Local Plan to ensure that any changes made do not affect anything to do with the Melksham Neighbourhood Plan. She had spoken to Wiltshire Councillor Holder, who felt that the version had not changed. The Clerk had also spoken to Place Studio (the Melksham Neighbourhood Plan planning consultants), who had looked at the Local Plan and noted that there had been a couple of changes made to the plan. The Clerk explained that, like with the Melksham Neighbourhood Plan, any comments made with regard to the Local Plan consultation have to be published along with their responses to each of the comments.

Members noted that the Wiltshire Local Plan had been approved by Wiltshire Council for submission to the Planning Examiner on 15th October.

c) News article regarding lack of social housing providers

Councillor Franks explained that he had seen a news article stating that housing providers, predominantly housing associations, no longer had as much funds to spend on buying new properties as they once did. He felt that this was interesting, especially as the government had previously spoken about proposals to have a target of 40% designated affordable housing. He did note that he had seen another news article about the empty properties that were around. Councillor Glover noted that he had seen an article that talked about the potential for the government to make funds available specifically for building affordable housing.

Members noted this.

250/24 Lithium-ion Battery Safety Bill:

The Clerk explained that the council had previously looked at the Lithium-Ion Batteries Bill that Lord Foster wished to get passed, which he was unsuccessful in doing. Prior to the ballot for the bill, the government published their own Product Safety and Metrology Bill, which included many of the issues that were in the bill Lord Foster was trying to get passed. It was explained that the bill was looking to tighten rules on the safe use and disposal of batteries. This was following an increase in fires associated with lithium batteries, which are used in e-bikes and e-scooters.

When the parish council looked at this bill a few months ago, members had asked for the bill to include a proper consultation before large scale battery storage systems (BESS) are constructed. The Clerk explained that because many people had asked for the same, this had been included in the bill. The Lithium-ion Battery Safety Bill was introduced in the House of Lords by Lord Redesdale, and it had a successful reading on 6th September. The parish council is now being asked to write to Baroness Jones, who is in charge of the bill, in support of it.

After a discussion, members felt that a couple of amendments needed to be made to the bill, which were as follows:

The draft bill talks about stand-alone BESS facilities, but this could be open to interpretation because there are some BESS facilities that are part of another scheme.

An amendment should, therefore, be made to state that **a BESS might be a stand-alone system or part of a larger scheme.**

The bill talks about approval by the planning authority, which is open to interpretation because a development consent order is approved by the Secretary of State. It was felt this needed to be amended to be more specific, which is as follows:

The approving authority might be the local Planning Authority or the Secretary of State in the case of a development consent order.

It was noted that the planning authority must consult with the Environment Agency, the Fire and Rescue Service, and the Health and Safety Executive. It was felt that it would be helpful if there was an obligation to have regard to all comments made by these consultees. It was also felt that any comments made as part of a consultation should have a response detailing what suggestions they accept and which ones they don't. It was therefore felt that this should be included in the parish council's response back to the bill.

When the parish council considered this bill before, it was suggested that the list of consultees should also include Historic England, and DEFRA, for example. It was felt that this should be included in the response back to the bill.

Recommendation: To respond to the Lithium-ion Battery Safety Bill with the points as detailed above and send a copy of the response to the local MP.

251/24 S106 Agreements and Developer meetings:

a) Updates on ongoing and new S106 Agreements:

i) Pathfinder Place: None.

ii) Buckley Gardens, Semington Road:

Members noted that three dwellings had been occupied in this development. The Clerk explained that she had asked the Wiltshire Council Street Naming Department for a list of the road names, which she was still waiting for. She had also informed Wiltshire Council of the first occupation in this development and had asked whether everything that is required to be done before the first occupation has been.

iii) Land to rear of Townsend Farm for 50 dwellings:

As some background information, as part of the Bowood View development, a new bus shelter was installed at the entrance to Telford Drive. It was discovered that in the schedule of conditions for the Townsend Farm development, the developer is required to provide a new bus stop for northbound buses located to the south of the access point of the site. This would, however, put this stop within touching distance of the recently provided shelter outside of Telford Drive, so the parish council had requested for the Section 106 agreement for this development to be amended so that a bus shelter/stop could be provided for southbound buses instead. It was explained that the bus currently stopped outside of the entrance to the Mobile Home Park; however, it did not have any kerbs or footway so was not deemed to be safe for residents. There have previously been complaints from residents of the Mobile Home Park stating that it was difficult to access the shelter outside of the entrance to Telford Drive as there was no connecting footway back to the Mobile Home Park entrance meaning that they would either have to walk in the road facing oncoming traffic or to cross the road, walk down the pavement, and then cross back over again. This is not suitable, especially for residents who have mobility issues and are only able to walk short distances.

The parish council had tried to progress this; however, received a response from Wiltshire Council quoting back what the developer was required to provide, which was already known.

Councillor Baines explained that the parish council was trying to amend the Section 106 as there was no requirement to have two bus shelters/stops within such a short distance of each other and felt that it would be more beneficial to residents to have a southbound stop to alleviate difficulties experienced by Mobile Home Park residents. The parish council had undertaken a site visit with the Principal Traffic Engineer at Wiltshire Council, and there may be a possibility for creating a section of new footway incorporating a bus stop on the Mobile Home Park side. He had responded back to Wiltshire Council to state these details. The Principal Traffic Engineer at Wiltshire Council had responded, stating that he didn't commit to the possibility of providing a bus provision on this side, as no design work had been undertaken. He advised that in order to progress this, a full topographical survey of the area would be required in order to ascertain whether it would be feasible or not. The Clerk explained that Wiltshire Council Highways will not undertake the topographical survey until the parish council has confirmed with the Wiltshire Council Planning Department that the Section 106 can be changed so that the bus shelter/stop can be installed on the other side of the road. The Wiltshire Council Planning Department has advised that the parish council will have to ask the developer, which has been done but they are yet to come back.

Councillor Baines advised that the use of the bus stop outside of the Mobile Home Park was for residents who resided there coming back from town, and therefore there was not a need for a bus shelter to be installed in the location. He did not feel that there was room for a shelter in this location but suggested that a footway with some raised kerbs and a flag was doable as long as the topographical survey didn't highlight any issues.

Members felt that Councillor Seed, as a cabinet member for highways at Wiltshire Council, should be advised about what the parish council would like to do at this location. This request should also be taken to LHFIFG (Local Highways and Footway Improvement Group) to ascertain how much the topographical survey would cost and ascertain whether any funding could be provided.

Recommendation: The parish council take the above request to LHFIFG and contact Councillor Seed as the local Ward Member of Wiltshire Council

iv) Land South of Western Way for 210 dwellings and 70 bed care home:

No updates.

v) Bowood View, Semington Road:

The Clerk informed members that Mr. Phillips had now become a director of the Bowood View Management Company; however, there were still some site adoption issues. Members noted this.

vi) To note any S106 decisions made under delegated powers: None.

vii) Lack of engagement with Wiltshire Council and Parish Council on planning conditions and draft s106 agreements again

The Clerk explained that a few years ago the parish council attended a meeting with Councillor Nick Botterill, Nic Thomas (Director of Wiltshire Council Planning), and the local Wiltshire Council members to raise some general issues. This was mainly on how parish councils can engage with the Wiltshire Council Planning Department on what is included in Section 106 agreements. This was following the fact that the parish councils' views are not taken into account on Section 106s and only find out what is included in the agreements after they are signed or when issues occur. It is disappointing that there currently isn't any engagement by Wiltshire Council with regard to this. The Clerk explained that at the recent planning appeal, the Planning Inspector asked the parish council's opinion on every planning condition and Section 106 clause to ensure they were happy. When this was written up, the inspector checked with the parish council again to ensure that everyone was happy with the wording. Unfortunately, the same courtesy is not shown by Wiltshire Council on such matters. The Melksham Neighbourhood Plan is an important part of the local plan and should be taken into account when making decisions. It was felt that the council should identify the actions that the Inspector went through at the recent appeal and ask Wiltshire Council why they were not doing this. Councillor Pafford explained that he had spoken to Councillor Richard Clewer about this matter and advised him of the meeting the parish council had a few years ago where promises were made that action would be taken, but nothing has changed.

It was noted that at the meeting with Wiltshire Council a few years ago they stated that there were not enough officers in the Planning Department to respond to queries; however, they had now taken on more staff in the Planning Department.

The Clerk queried whether a wider email needed to go to the head of the planning department at Wiltshire Council, Councillors Botterill and Clewer, about the fact that there is little or no enforcement and no engagement with parish and town councils on section 106 agreements and planning conditions. Neighbourhood plans are also not given the weight they should be when decisions are being made. An example of this was at the recent planning appeal, where Wiltshire Council made

the decision not to defend the appeal but had not let the parish council know. It was felt that rather than doing separate emails for each specific thing, one email should be sent to Wiltshire Council detailing the points made above.

Recommendation: The parish council contact Nic Thomas (Director of Wiltshire Council Planning) and Wiltshire Councillors Botterill, and Clewer regarding the issues as detailed above.

b) C Contact with developers

- i) Notes from meeting held with Tor & Co and Martin Grant Homes (if available) and agree any comments to send at this stage.**

Held in closed session.

- ii) Update from local business on search for employment land**

Held in closed session.

Meeting closed at 20:28 pm

Chairman, 11th November 2024