

**MINUTES of the Planning Committee of Melksham Without Parish Council held
on Monday 4th November 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), John Glover (Council Chair), David Pafford (Council Vice-Chair), Alan Baines (Committee Vice-Chair), Martin Franks, Peter Richardson, and Mark Harris.

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

252/24 Welcome & Housekeeping:

Councillor Wood welcomed everyone to the meeting. As a new member of the public was present at the meeting, the housekeeping message was 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.

253/24 Apologies:

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.

254/24 Declarations of Interest: Councillors Wood and Franks declared an interest in agenda item 7 regarding the proposal for homes on land to the north of Berryfield Lane as residents of Berryfield but noted that they were not a pecuniary interest.

255/24 Dispensation Requests for this Meeting: None

256/24 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.

257/24 To consider holding items in Closed Session due to confidential nature:

Agenda item 12a was relating to the Melksham Neighbourhood Plan and as the plan had not yet been submitted to Wiltshire Council was still confidential at this stage.

Resolved: Agenda item 12a be held in closed session for the reasons detailed above.

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

258/24 Public Participation:

There were two members of the public present at the meeting. Resident 1 wished to speak on agenda item 7 relating to the proposal for homes on land to the north of Berryfield Lane. The resident explained that he will be impacted by this proposal if it goes ahead as his home backs onto the proposed land. He explained that he had a number of concerns in relation to this proposal, which were as follows:

- This site has not been allocated in the Melksham Neighbourhood Plan.
- This proposal would have a negative impact on the local landscape despite the developers expressing that it would improve the landscape.
- If this went ahead, it would be the end of the Wilts & Berks Canal link project, which would lose opportunities for Melksham such as employment and tourism.
- Loss of privacy for current residents
- There is an overdevelopment in Berryfield, over the past three years Berryfield has seen an increase of around 450 properties. Other areas have been earmarked for development and they would be far more suitable.
- Berryfield Lane is unsuitable for access for an increase in traffic. The proposed access from this development will be onto Berryfield Lane, which is a single-track road.

Resident 2 wished to speak on the planning application for 489A Semington Road (PL/2024/09323). It was noted that this application was for planning permission to use the garage/office building as temporary residential accommodation. The resident explained that the landowner was undertaking a development on the adjacent site, which had been referenced in this application; however, this had not been worked on for the past four years. He explained that the landowner had previously been granted planning permission for the garage, which is what it should be used for as per the permission granted at the time, not for accommodation, which is what was now being applied for. Over the past 15 years, the landowner has submitted several planning applications for this site, and the resident feels that he should now be refused planning permission as it is not suitable.

Secondly, resident 2 wished to speak on the proposal for land north of Berryfield Lane. He wished to raise the following issues:

- Access to and from the site is an issue.
- The field is flooded for 4-6 months of the year.
- The illustration shown at the public consultation event showed the gardens of four properties on Semington Road backing onto the adjoining field. He feels that there has been no consideration for residents of these properties, which is unacceptable. All other properties on the plan had some kind of buffer, which stops the existing properties from being incorporated into the potential proposal. The existing properties have rear access at the back with access onto the field. He understands that there is a right-to-light legislation, which means that a house can't be built at the end of the garden in case it impacts on light coming into the property. He feels that if this proposal did go ahead,

there needs to be some kind of buffer, like the Bowood View estate, which has a buffer between adjoining properties that border onto the development.

- This is on the route of the proposed Wilts & Berks Canal, which would be lost if this went ahead. He feels that the canal would be a true benefit for the village.
- Berryfield does not need more affordable housing, as over the past few years this area has had enough. He feels that this should be spread out in other areas.

Resident 2 feels that the developers have a complete disregard for the residents of Berryfield over this application.

The Committee reconvened.

259/24 Planning Applications (Part 1): The Council considered the following applications and made the following comments:

- a) [PL/2024/09323](#): **489A Semington Road, Melksham, Wilts, SN12 6DR:** Use of building as a site office/store/welfare facilities and residential accommodation for a temporary period by the owner/project manager in connection with the ongoing development of the adjacent sites. Applicant: Mr. Williams

Councillor Baines highlighted that planning permission had previously been given for this building to be a garage; therefore, this is not living accommodation. Moreover, a planning condition of the permission granted for the garage was for it not to be used as living accommodation.

Comments: The parish council strongly object to this application.

The committee agreed to move agenda item 7 forward.

260/24 Response to public consultation for proposal for homes on land to the north of Berryfield Lane:

It was noted that there was a public consultation drop-in event in relation to this proposal at Berryfield Village Hall on Wednesday 30th October. Councillor Wood advised that the event had a good turnout with around 150 residents in attendance. Councillor Franks explained that he attended the drop-in event and felt that the way the developer was talking about this proposal alluded to the fact that they felt that it was a foregone conclusion that this would be approved. He has spoken to a number of residents who feel that Berryfield has been overdeveloped due to a number of houses that have been built over the past few years and feel that developments should be constructed in other areas. Furthermore, it is felt that if these types of developments go ahead, Berryfield will lose its village feel and will instead become part of the town. Another issue is the access from Berryfield Lane, which is a single-track road and is not suitable for additional traffic. Councillor Franks highlighted that the tarmac was already coming off of this stretch of road, so this needs to be taken into consideration.

Councillor Baines felt that residents needed to be made aware that until the developers spoke to the parish council, they did not intend on holding a public consultation event inside of Berryfield Village Hall and instead were going to do this online. It was the parish council who insisted that they should hold a consultation so that everyone was able to engage with them, as not everyone had online access. Councillor Baines did not feel that this was a suitable site for this type of development and, as raised by residents, felt that this would end the proposal for the Wilts & Berks Canal link.

Councillor Franks explained that the form provided by the developers for residents to submit their comments on the proposal was more like a marketing form. He had queried with the developers where on the form residents could write their comments. He was advised that he could write on the form anonymously; however, he did not feel that this was appropriate, especially as it is not a registered document, so there was no trail of everyone's comments. This means that there is no mechanism for the developers to go back and actually read the comments from residents.

Councillor Pafford advised that this was a speculative proposal; this land has not been allocated for development in the Wiltshire Local Plan nor in the Melksham Neighbourhood Plan. He agrees with the comments made at this meeting about Berryfield being overdeveloped. He felt that the council needed to be aware that Wiltshire Council has a record of not defending applications when they go to appeal, which the developers will know. He felt that the council needed to strongly object to this application. Development needs to be plan-led and not speculative. Councillor Richardson felt that the whole point of a public consultation was to listen to the views of residents and take into consideration and reflect on those views; however, the fact that the developers are planning on submitting an application this year gives them little time to consider residents views.

The Clerk provided members at this evening's meeting with the notes from the developer meeting held with Tor & Co. on this site. She advised that there were some additional things to note, such as the fact that Berryfield was a small village in the Core Strategy and protected as such in Policy 6 in the Melksham Neighbourhood Plan. It is not allocated as a housing site in the adopted or emerging reviewed Melksham Neighbourhood Plan; however, parts of the site were assessed independently by AECOM and were rated as red as not sustainable. This site is a green wedge in the emerging Neighbourhood Plan 2 to prevent the coalescence between Melksham town and Berryfield.

The Clerk explained that the council had a list of things in the event that the development went ahead that could be submitted as part of the response to the consultation. Members felt that these should only be submitted in the event that a planning application is submitted, as the parish council wishes to discourage an application. It was felt that it needed to be emphasised that this site is not sustainable from an access and highway point of view.

It was agreed that another reason for objecting to the proposal was due to no safe walking routes to school.

Members agreed that the parish council should strongly object to this proposal for policy and planning reasons.

Resolved: The parish council strongly object to this proposal for policy and planning reasons as discussed above.

261/24 Planning Applications (Part 2): The Council considered the following applications and made the following comments:

7.36pm the residents left the meeting.

- b) **[PL/2024/07915](#): Whaddon Grove House, Berryfield Lane, Melksham, SN12 6EL:** To site a mobile home on land north of Whaddon Grove House for use of ancillary accommodation. Applicant: Mr. Jenkins.

Comments: The parish council has no objections to this application; however, would like to add a caveat that this permission should only be granted for a maximum of 5 years, with the option for the applicant to seek renewal of this permission after this time.

- c) **[PL/2024/09606](#): 238 New Road, Melksham, SN12 7QY:** Proposed garage/store. Applicant: Mr. Regler. (Comments by 25th November 2024)

Comments: The parish council have no objections.

- d) **[PL/2024/09727](#): 38 Shaw Hill, Shaw, Melksham, SN12 8EY:** Proposed rear extension and new garage to the front of the property. Applicant: Mr. & Mrs Bensley.

Councillor Richardson raised a procedural issue with this application. The application states 38 Shaw Hill; however, all of the other paperwork included in the application states 39 Shaw Hill. He was concerned that the council may be reviewing an application for the wrong address, as it was unclear whether the council were considering an application for 38 or 39 Shaw Hill. He felt that it was more likely to be for 39 Shaw Hill; however, it was noted that the application form stated 38 Shaw Hill. It was felt that this application needs to be deferred as there was not enough information provided as to the purpose of the garage, and members are unsure what which house address this related to.

Resolved: This application to be deferred until the next planning committee meeting due to the uncertainties around the correct address of this application and not enough information has been provided with regard to the purpose of the garage. Officers to contact Wiltshire Council to obtain this information.

262/24 Lime Down Solar Consultation Summary Report:

As part of the agenda pack, members were provided with CAWS (Community Action Whitley and Shaw) response to the consultation report. Members felt that it was an excellent piece of work from CAWS. Councillor Richardson advised that it was not felt that the report was a true representation of the views of local residents. He was aware of comments made by residents that have not been mentioned in the report, and that 25% of the submissions were from Shaw & Whitley residents regarding the proposed BESS (Battery Energy Store System) at Whitley and yet not really featuring in the report. He has concerns regarding the extent to which this report can be relied upon for the next stages of the process. It was noted that CAWS have now sent these comments to Lime Down Solar.

Members support everything that CAWS have highlighted in their letter

Resolved: The parish council supports comments made by CAWS in relation to the Lime Down Solar Consultation report.

263/24 Land off Beanacre Road, Beanacre: To note confirmation that tree preservation order (TPO/2024/00015) has been made.

Members noted this.

264/24 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 a resident had contacted the fire service and asked them whether they could access the site in the event of a fire. They have responded to the application, advising that if this application is approved, it must ensure that access to the site, for the purpose of firefighting, is adequate for the size and nature of the development.

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

The Clerk explained that provided in late papers was the response to this application from the Sustainable Transport department at Wiltshire Council; however, she had not had a chance to look back over it. It was agreed that this should be deferred to the next planning meeting.

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

The Clerk advised that Snarlton Farm had submitted the latest comments to this application and have objected due to the entrance being close to their entrance. Members noted this.

265/24 Planning Enforcement:

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

The Clerk has recently written to Wiltshire Council with regard to the unauthorised access to the site from Berryfield Lane and via the A350 rather than the approved access on Semington Road. The Planning Officer has confirmed that he has said no to the discharge of condition in relation to the developers not having to access the development via Semington Road. This was sent to planning enforcement, but to date, there has been no answer back from Wiltshire Council. A Councillor reported that construction vehicles are still accessing the site via Berryfield Lane. He also raised concerns about the scaffolding firm based off the Lane, as he does not believe that they have an operator's license, and the waste firm, as he believes that they may not have a waste transfer license. It was agreed that the Clerk would check this.

It was felt that a meeting needed to be arranged with the Wiltshire Council Enforcement department about this site. This should also be sent to the Melksham News.

Recommendation: A meeting to be arranged with the Wiltshire Council Enforcement department about this site with the Berryfield Ward Councillors as well as Councillor Franks.

The Clerk explained that she had spoken to the Licencing Officer at Wiltshire Council with regard to the New Inn Pub. It was confirmed that they currently have no licence to run the pub. They are currently in the process of applying for a new licence which will come through to the parish council for comment as consultees. Wiltshire Council do not close down pubs, and if there was a licence application review, this would have been reviewed in the public domain. Members noted this.

266/24C Planning Policy: Melksham Neighbourhood Plan update:

Held in closed session.

267/24 S106 Agreements and Developer meetings:

a) Updates on ongoing and new S106 Agreements:

i) Pathfinder Place:

The Davey Play Area transfer has come through and is for the Asset Management to consider later on this evening.

ii) Buckley Gardens, Semington Road: None.

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

The request for the section 106 change has been chased this afternoon and is on the LHFIG (Local Highway and Footway Improvement Group) agenda for Thursday 7th November.

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

No updates.

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

b) Contact with developers: None.

Meeting closed at 20:05 pm

Chairman, 11th November 2024