

**MINUTES of the Planning Committee of Melksham Without Parish Council held
on Monday 23 May 2022 at Melksham Rugby Club, Oakfields, Eastern Way,
Melksham, SN12 7GU at 7.00pm**

Present: Councillors Richard Wood (Committee Chair), John Glover (Chair of Council), David Pafford (Vice Chair of Council), Alan Baines (Committee Vice Chair), Terry Chivers, Mark Harris & Mary Pile

Officers: Teresa Strange, Clerk and Lorraine McRandle (Parish Officer)

In attendance: 10 Members of public

In attendance via Zoom: Wiltshire Councillor Nick Holder (Bowerhill) and one member of public

23/22 To Appoint a new Chair and Vice Chair of Planning

Councillor Glover nominated Councillor Wood as Chair, which was seconded by Councillor Pile.

Councillor Pile nominated Councillor Baines as Vice Chair, which was seconded by Councillor John Glover.

There were no further nominations, therefore, it was

Resolved: Councillor Wood and Councillor Baines be duly elected as Chair and Vice Chair of Planning respectively, for the ensuing year.

24/22 Welcome, Announcements & Housekeeping

Councillor Wood welcomed everyone to the meeting and explained to the members of public present the item regarding revised plans for up to 150 dwellings on land to the West of the A350 (Planning Application PL/2021/05391) would be moved further up the agenda.

The Clerk indicated the various exits in case of a fire.

25/22 To receive Apologies and approval of reasons given

It was noted all of the Planning Committee were present.

26/22 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 have a dispensation lodged with Wiltshire Council dealing with Section 106 agreements relating to planning applications within the parish.

27/22 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 informed the meeting there were no items to consider holding in closed session.

28/22 Public Participation

Councillor Holder explained two planning applications on the agenda were within his ward ie PL/2022/03162: Old Loves Farm, Bowerhill and PL/2022/03454: 280 Sandridge Lane and whilst he had no concerns, wished to hear what the parish council had to say on each application.

Several residents of Beanacre, including Burnt Cottages and Old Road were in attendance to voice their objections to the revised outline plans for up to 150 dwellings on Land West of the A350 (Beanacre Road) and North of Dunch Lane (Planning Application PL/2021/05391).

Residents objected to the plans for the following reasons:

- The revised plans appear not to address concerns previously raised with regard to the current lack of infrastructure, such as doctors and school places and the impact on the A350 and safety concerns accessing/exiting the site.
- There is no housing allocation for Beanacre in the current Local Plan or the Neighbourhood Plan.
- Melksham has already reached its housing allocation up to 2026.
- Highway concerns, such as increased traffic on the very busy A350, which suffers with congestion most times, it can often take 10 minutes to join the A350 from residences along Beanacre Road including Westlands

Lane and Old Road.

Concern of the proposals for a ghost island starting near Burnt Cottages, which could result in rear end shunts, if people turning into the new development are not aware of people wishing to turn into Burnt Cottages.

Concern at the length of time an emergency vehicle will take to access the site, if there has been an accident on the A350, given current experience of tailbacks as a result of an accident along the A350 between Melksham and Chippenham.

- Coalescence between Beanacre and Melksham, which is contrary to policies within the Core Strategy.
- Impact on Burnt Cottages, with the concentration of development around the cottages, which will create overlooking, as well as possible light pollution from vehicles into the rear of properties.
- Flood risk. The site is central to water dispersal during wet weather and often floods. There is a high water table in this area, often taking quite a while for water to disperse. If this site is built on, there is a concern water will be displaced and flood areas elsewhere in Beanacre.

Several properties in Beanacre have already experienced flooding. Therefore, there is a concern this development will increase the flood risk, particularly if some of the site is heightened, as suggested.

A drainage report mentions there is unlikely to be significant ground water flooding within the proposed development, which is a concern, given local knowledge of how often the site floods and often has standing water.

Drainage pipes/ditch for Burnt Cottages are within the site, which the applicant was not aware initially, therefore plans of the drainage for the cottages had been sent to the applicant, but to date whilst receipt of the information had been acknowledged, there has been no further contact. Therefore, residents of Burnt Cottages do not know if they will be incorporated into mains drainage within the new development or stay as they are at present with no mains drainage. Having looked at the plans it would appear the drainage pipes will be located under the proposed cycle path to the rear of Burnt Cottages.

- Proximity to the railway line, which is getting busier and has an open crossing to adjacent fields. It was noted Network Rail would be seeking a contribution of £150,000 towards stop lights on the crossing and therefore had removed their objection to proposals for the site. However, the crossing is unmanned, with a concern that residents, including unaccompanied children/teenagers from the development may be tempted to use the crossing to access the play area in Dunch Lane or

Shurnhold Fields as well as other facilities, creating an increased risk of an accident.

- Pedestrian safety, particularly for children walking along the footpath adjacent to the busy A350 to access facilities, such as the play area in Beanacre or into town. It is very difficult to walk along the footpath two abreast, particularly with a child in a buggy/pram and with a toddler, wheelchair users also find the footpath along the A350 difficult to negotiate.
- Impact on any archaeology on the site. Understand Roman/Saxon finds have been found not far from the site.

Following agreement from Members, Councillor Wood moved agenda item 8 regarding revised plans for planning application PL/2021/05391 further up the agenda, as members of the public were present.

29/22 Revised Plans To comment on any revised plans received within the required timeframe (14 days)

PL/2021/05391: Land to the west of the A350 (Beanacre Road) north of Dunch Lane. Outline planning application for up to 150 dwellings with formal and informal public open space, including areas of play, associated landscaping and vehicular and pedestrian accesses off the A350 (Beanacre Road). All matters reserved except for vehicular access. Applicants Charterhouse Strategic

Comments: The Parish Council **OBJECT** to this application due to the unsustainability of this site for the following reasons:

- The loss of 'green gap' between Beanacre and Melksham, creating coalescence between Beanacre and Melksham; contrary to the Wiltshire Core Strategy Policy 1.
- The site is outside the Settlement Boundary.
- Housing numbers for the Melksham Community Area up to 2026 have already been met; as per the Wiltshire Core Strategy and the Wiltshire Housing Site Allocations Plan.
- Melksham's Joint Neighbourhood Plan was 'made' by Wiltshire Council on 8 July 2021, therefore the lack of 5-year land supply as referred to by the applicant in their documentation as justification for approving this

application does not apply; as it holds full “NPPF Paragraph 14” protection.¹

- Whilst affordable housing is proposed it needs to be more scattered within the development, currently it is clustered in various locations throughout the site.
- If this application were approved a precedent could be set for further development to the East of the A350 opposite this site, which would also be unsustainable for the same reasons as this application.
- Lack of both primary and secondary school places. The nearest primary school is Shaw Primary School. It is understood the school is oversubscribed and unable to expand and other schools closest to the site are also full.

Whilst Melksham Oak (the only secondary school in Melksham) has been extended, it is understood, even with the extension, the school will be full by the 2023/24 academic year and potentially over-subscribed in following years.

Members noted the Education response to the original application stated both primary and secondary school provision at designated schools have no capacity.

- Accessibility and pedestrian safety. Lack of adequate footpaths along parts of Dunch Lane to walk to Shaw Primary School (if places were available). Also, a lack of adequate footpaths to both the South towards the town, but particularly to the North of the site along the A350 to Beanacre, to provide safe access to facilities, such as the parish council's play area and community field adjacent to St Barnabas Church.
- The reliance of residents on the private vehicle to access facilities, such as primary schools and Melksham Oak secondary school, the railway station, health services and major supermarkets to name a few.
- The Parish Council are disappointed there are no proposals for a play area on the site, given its size and

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

despite one being promised during pre app discussions by the developer. Children will have to access the play area at Beanacre or Dunch Lane.

- Access to the railway station from this site is difficult and would require negotiating a busy road infrastructure in order to access it.

Members noted there is no footpath on the Western side of the A350 towards town, once pedestrians get beyond Spencers Club, requiring pedestrians to cross the very busy A350 at this point over to the other side of the road to use the underpass to access the railway station.

- Road Safety/Impact on the Highway. Access to the site is via the very busy A350 which is a major trunk road to the South Coast. The Council are aware of several rear end shunts taking place in the vicinity of this site, due to vehicles stopping to enable vehicles to join traffic from side roads (including Westlands Lane and Dunch Lane).

Whilst it was noted traffic calming proposals were being considered on the A350 to enable safer egress/access to the site. Members raised concern for those wishing to turn right towards Melksham against traffic flow as they are aware of hold ups already from vehicles trying to access the A350 from side roads in the vicinity of this site, which can lead to frustration of drivers.

Concerns that Dunch Lane, which is predominantly single track in places, could be used by residents of the site to access the A365 to travel to Bath or Shaw Primary School. Members also had similar concerns with regard to Westlands Lane, which is also narrow in places.

- Proposals for the development include bus pull-in laybys, these are no longer the preferred option, as it is often difficult for vehicles to rejoin the flow of traffic. The preferred option is for vehicles to stop in a live traffic lane, to pick-up/drop off passengers.
- Bus services. Whilst it is noted there is the X34 service between Melksham/Chippenham & Frome, there is no evening or Sunday service.
- Noise impact on residents of the development. The site is between the busy A350 to the East and the railway

line to the West. It was noted all trains are required to sound their horns to warn people who may be using the farmers track or public Right of Way, which crosses the line in this area.

- Safety of pedestrian crossing the unmanned railway line via a public right of way. Even with suggested £150,000 of improvements with miniature stop lights, it will still be an open unmanned crossing with potential for children to use it unaccompanied. There are no footpaths on Dunch Lane and therefore people will be tempted to use this crossing.
- Impact on already overstretched GP services within the town, the Council are aware the NHS, in commenting on another application in Melksham Without in February 2021 had stated there is no capacity within the GP services in town.
- Lack of public open space in the built up area of the development.
- The impact on the ecology of the area, particularly the woodland to the North of the site. It is understood bats and Great Crested Newts have been spotted in the area.
- The impact on the heritage of Beanacre and the proximity to several listed buildings, such as Beanacre Old Manor (Grade I) and New Manor (Grade II).
- There is no mains drainage in Beanacre, Wessex Water are looking to installed mains drainage in Westlands Lane only at the present time; with full business plan sign off still in the pipeline.
- Impact this development will have on flooding. Some properties in Westlands Lane, Beanacre (A350 end) and other properties in Beanacre are lower than pavement level and often flood internally from water coming off nearby fields, despite attenuation/dew ponds. There is concern of the impact of the proposed development to these fields with attenuation to the north of the development.
- Surface water drainage. Whilst the applicant has taken on board concerns with regard to drainage not going Westwards towards South Brook, which often overflows,

causing flooding in Shurnhold. Members noted concerns of local residents in that currently this land serves as effective attenuation for run off and serves a purpose in at least reducing some of the flooding which can occur in Beanacre and therefore more work is required on drainage.

With regard to unsustainability of the site. Members raised a concern at a point made within the applicant's original Planning Statement. Point 1.3 states '...The site is also identified in the emerging joint Melksham Neighbourhood Plan (Site 10). This statement is misleading. Whilst SHELAA Sites were independently assessed by AECOM² as part of a site selection process for the Neighbourhood Plan, AECOM felt the site was not suitable for development and made the following comments:

'Land within the site boundary is classified as Grade 3a, and is therefore of good quality for agricultural uses. It is one of only a few sites considered classified as land comprising the 'best and most versatile' agricultural land.

From an ecological perspective, there is a green corridor connecting to deciduous woodland BAP priority habitat to the north of the site at Beanacre Manor, which is potentially suitable for bats and breeding birds.

There are a number of listed buildings to the north of the site associated with Beanacre Manor, although these are screened by deciduous woodland. Two further Grade II listed buildings are located next to the north western corner of the site.

Access to the site would likely be via the A350, which is currently heavily trafficked, and has the potential to lead to road safety issues. A high voltage power line crosses the site from west to east.

Recommendation

That the development of the site would comprise a significant extension to the northern part of Melksham. Given its location along the A350 (Beanacre Road), development would increase traffic and road safety issues on this busy corridor.

2

https://www.archivemelkshamneighbourhoodplan.co.uk/files/ugd/fcc864_b435a855560b4dd9bcbdb12163fccd00.pdf

The ecological and agricultural constraints are particularly significant in the local context. Development of the site would increase traffic and road safety issues on the busy A350 corridor and ecological and agricultural land quality constraints are particularly significant in the local context.

Additional constraints include access issues and the high voltage power line passing through the site. As such it is considered that the site is not appropriate for taking forward for the purposes of the Neighbourhood Plan.'

Melksham Neighbourhood Plan

Attention is drawn to various policies within the Melksham Neighbourhood Plan which was “made” by Wiltshire Council on 8 July 2021:

‘Policy 3: Flood Risk and Natural Flood Management

All new development must include appropriate measures to align modern drainage systems with natural water processes to mitigate any flood risk. Development proposals will be supported where they:

- i. are located where the risk of flooding (from all sources) is lowest;
- ii. demonstrate how surface water and associated run-off can be drawn into the ground in a sustainable way for surface treatments in residential, commercial and public parking areas;
- iii. demonstrate, where applicable, that existing land drainage and ditches are safeguarded to ensure that any sustainable surface water outfalls are not lost;
- iv. utilise re-use of rainwater wherever possible but where discharged, should be done as high up the drainage hierarchy as possible by aligning modern drainage systems with natural water processes;
- v. demonstrate efficient water usage of no more than 110 litres per person per day for new residential development and all new non-residential development of 1000 square metres gross floor area or more should meet the BREEAM ‘excellent’ standards for water consumption.

All major development proposals must include provision of Sustainable Drainage Systems (SuDS) as part of the Natural Flood Management approach and wider Green Infrastructure network delivering multiple benefits, such as improving water quality and water quantity, recreation and biodiversity.

Major development proposals (full and outline) should also demonstrate that the SuDS comply with CIRIA Guidance, and demonstrate that an adequate area has been reserved for storage volumes without requiring inaccessible slopes.'

Policy 11: Sustainable Transport and active Travel:

'All developments must be planned in line with the Sustainable Transport Hierarchy. Applications for major development must demonstrate through an effective travel plan how sustainable transport modes in the Plan area are maximised and that safe and suitable access can be achieved for all people.

As a key element in our sustainable transport network, further improvements to the accessibility and quality of the links between the wider town and Melksham Railway Station will be strongly supported. Improvements to the quality of the public realm around the station, will also be strongly supported.'

Attention is also drawn to proposals to amend various aspects of the National Planning Policy Framework (NPPF) including Chapter 14: Meeting the Challenge of Climate Change, flooding and coastal Proposed Change currently under consultation

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

'New paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.

New para 160c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).'

Whilst objecting to this application, if Wiltshire Council were minded to approve the application the Parish Council ask:

- For improvements to the pavement/footway in both the North and South direction along the Beanacre Road to provide better connectivity to facilities.
- Funding towards the community facilities at St Barnabas Church and adjoining land – the play area, the school room (the de facto community centre), and the community field.
- Provision is made for a connection to mains drainage, as Beanacre itself is not on mains drainage. NB: Wessex Water are currently looking at providing mains drainage in Westlands Lane and the parish council can provide further details on this.
- Access to the train station. In the response from Wiltshire Highways regarding this application it states funding is likely to be sought from this development towards the planned scheme of improvements at Melksham Train Station. Therefore, Members ask that this funding is used to provide a pedestrian link to the station off of Foundry Close.
- To ensure that school and NHS contribution requests are included (that Wiltshire Council and the NHS commit to this in the s106)
- Circular pedestrian routes are included around the site.
- The provision of a play area. The Parish Council to enter into negotiations over taking over management and ownership of any proposed LEAPs (Local Equipped Area of Play) (if situated within the parish boundary of this site which straddles both Town and Melksham Without parishes).
- Equipment be installed for teenagers.
- The provision of benches and bins where there are circular pedestrian routes and public open space.
- Shared spaces which are easily identifiable.

- There are practical art contributions and the Parish and Town Councils are involved in public art discussions.
- The development is tenant blind.
- Any bus shelters provided are suitable in providing Real Time Information (RTI) i.e., access to an electricity supply, WiFi connectivity and appropriate height.
- Contribution towards improved bus services, which serve the area. It was noted there is no X34 bus service after 6.00pm and no service on a Sunday.
- Speed limit within the site is 20mph and self-enforcing.
- 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.
- Any proposed new trees are not planted on boundaries, but further into public open spaces.
- Where dwellings are proposed adjacent to existing dwellings the design is such, that the layout is garden to existing garden.

It was noted Councillor Alford (Melksham Without North & Shurnhold) had 'called in' this application for consideration at a Planning Committee Meeting of Wiltshire Council.

The Clerk invited members of the public to leave their details in order to be contacted if the application were to be considered at a Wiltshire Council Planning Committee in order they could be notified by the parish council; or in case of any further revised plans.

30/22 To consider the following Planning Applications:

[PL/2022/01951](#): Shaw Grange, Bath Road, Shaw. Alterations and Extensions to the Existing House

Comments: No objection.

[PL/2022/02615](#): Westlands Farm, Westlands Lane, Whitley. Variation of conditions 2 and 10 of 17/04116/FUL - To reflect the final design and to substitute the drainage strategy to reflect the optimum drainage solution.

Comments: No objection.

PL/2022/03162: Agricultural Buildings at Old Loves Farm, Bath Road, Bowerhill. Notification for Prior Approval under Class Q for the Proposed: Change of Use and Conversion of Existing Agricultural Buildings into Two Dwellinghouses, Garden and Associated Works.

It was noted in the Planning Decision for Prior Approval Under Class Q the conversion of one agricultural building (Dutch Barn) on this site to one dwelling (20/11314) in February 2021 prior approval was required and therefore the prior approval was refused for the following reasons:

‘The Dutch Barn agricultural building is not considered to be capable of conversion without significant building operation works being undertaken that go beyond what would be reasonably necessary to make the existing building function as a dwelling. The proposal would therefore be ‘building afresh’ and contrary to Paragraph Q (b) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015; and the guidance set out in the National Planning Policy Guidance, and the works therefore do not constitute permitted development. Furthermore, the land within the red outline to become residential (C3) curtilage exceeds the allowance under Paragraph X of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015; as the land would be larger than the area occupied by the agricultural building.’

Councillor Harris explained he had read a report which highlighted an appeal with regard to a similar application elsewhere in the Country, with the application refused, as it was a new built and therefore felt the Council should refuse this application and recommend a full planning application.

Comments: After reading the Decision Notice and Officer Report regarding the previous application (20/11314) to convert one dwelling (Dutch Barn) via a PNCOU, the Parish Council feel these proposals should be subject of a full planning application. The Council also felt it would appear neither building are capable of conversion.

PL/2022/03454: 280 Sandridge Lane, Bromham. Erection of agricultural building to meet machinery and general storage needs.

Comments: No objection.

PL/2022/03686: 68C Raynescroft, Shaw Hill, Shaw. Detached double garage with a room above.

Comments: Whilst not objecting to this application, seek a condition be imposed on any planning consent, that the room above the garage is 'tied' to the house and cannot be converted into a separate dwelling.

31/22 Planning Enforcement: To note any new planning enforcement queries raised and updates on previous enforcement queries.

The Clerk explained unfortunately the Enforcement Officer had been off sick and had apologized for the delay in responding to several enforcement queries the Council had, but would update the Council as soon as possible following investigations.

32/22 Planning Appeal: APP/Y3940/W/21/3285428: Semington Road. To note outcome of appeal hearing (if received)

The Clerk explained that unfortunately there was still no update.

33/22 New Premises Licence Application: To consider a response to a new Premises Licence for The New Inn, Semington Road.

Recommendation: To inform Wiltshire Council's Licensing Team, the Parish Council had no objection to this application.

34/22 Planning Policy

a) To note changes and reforms in the Levelling Up and Regeneration Bill announced in the Queen's Speech <https://linktr.ee/lurbplanning>

Members noted changes and reforms in the Levelling Up and Regeneration Bill announced in the recent Queen's Speech.

b) WALPA (Wiltshire Area Local Planning Alliance) Update

The Clerk explained there was no update from WALPA since the last meeting.

c) Neighbourhood Planning

i) To reflect on responses to planning applications for review of the Neighbourhood Plan

There were no responses to planning applications to reflect on.

The Clerk reminded those present that the various task groups of the Neighbourhood Plan review were taking place this Wednesday at Melksham Rugby Club from 4.00pm.

Various public consultations were now live and asked Members to make people aware. The press release for this week's Melksham News issue was shared.

- d) Western Area Planning Committee. To consider sending a representative to attend a future Western Area Planning Committee at which planning application 21/09742: Extension to 404B The Spa may be considered following comments raised by Wiltshire Councillor Nick Holder at a recent Planning Committee Meeting**

Recommendation: Either Councillors Wood or Baines to represent the Parish Council at a Western Area Planning Committee, if necessary.

35/22 S106 Agreements and Developer meetings: (Standing Item)

- a) To note update on ongoing and new S106 Agreements**

- i) Hunters Wood/The Acorns: Update on Footpath to rear of Melksham Oak School, Community Centre.**

Members had within their papers an email from the Clerk to Wiltshire Council seeking an update on the path to the rear of The Oak.

The Clerk explained since the issuing of the agenda an update had been received, which unfortunately was not available for circulation at the meeting and agreed to forward this to Members the following day for information.

- ii) Bowood View: To receive update on play area, bins, and management company**

The Clerk explained Wiltshire Councillor Jonathon Seed, following the Annual Council meeting the previous week at which he had sought an update on the play area, had been in touch with Wiltshire Council seeking assurances there would be no delays in the play area being transferred to the parish council in order it can be open to the public.

- iii) Pathfinder Way: To receive update on Play Area, Street works, Public Art, School**

The Clerk explained the pressure was being kept up on Taylor Wimpey to complete outstanding works and a meeting had been arranged between Wiltshire Councillor Holder and the CEO of Taylor Wimpey at 11.30am this Thursday and asked if a Councillor could also attend the meeting.

Councillor Glover agreed to attend the meeting.

b) To note any S106 decisions made under delegated powers

None to note.

c) Contact with developers

None to note.

Meeting closed at 8.09pm

Signed
Chair, Full Council, 20 June 2022