

Public Document Pack Melksham Town Council

Town Hall, Melksham, Wiltshire, SN12 6ES Tel: (01225) 704187

Town Clerk and RFO Linda Roberts BA(Hons) PGCAP, FHEA, FLSCC

To: Councillor S Rabey (Chair)

Councillor J Oatley (Vice-Chair)

Councillor P Alford Councillor P Aves Councillor G Cooke Councillor G Ellis Councillor Stokes

Councillor J Westbrook

2 January 2024

Dear Councillors

In accordance with the Local Government Act (LGA) 1972, Sch 12, paras 10 (2)(b) you are invited to attend the **Economic Development and Planning Committee** meeting of Melksham Town Council. The meeting will be held at the Town Hall on **Tuesday 9th January 2024** commencing at **7.00 pm**.

A period of public participation will take place in accordance with Standing Order 3(e) prior to the formal opening of the meeting. The Press and Public are welcome to attend this meeting in person, alternatively the public and press may join the meeting via Zoom.

In accordance with the Council's commitment to being open and transparent; all Town Council meetings are recorded and broadcast live. The right to do so was established under the Openness of Local Government Bodies Regulations.

Yours sincerely

Mrs L A Roberts BA(Hons), PGCAP, FHEA, FSLCC

Town Clerk and RFO

Melksham Town Council Economic Development and Planning Committee Tuesday 9 January 2024 At 7.00 pm at the Town Hall

Public Participation – To receive questions from members of the public.

In the exercise of Council functions. Members are reminded that the Council has a general duty to consider Crime & Disorder, Health & Safety, Human Rights and the need to conserve biodiversity. The Council also has a duty to tackle discrimination, provide equality of opportunity for all and foster good relations in the course of developing policies and delivery services under the public sector Equality Duty and Equality 2010.

Virtual Meeting Access:

Please follow the joining instructions below for the virtual Zoom meeting

https://us02web.zoom.us/j/83669876198?pwd=WIAvY1ZsYVNyUIM3VktqajFxOHhtdz09

Join Zoom Meeting

Meeting ID: 836 6987 6198 Passcode: 481965

Participants will be directly let in the meeting by clicking on the above link. There is no waiting room

AGENDA

1. Apologises

To receive apologises for absence

2. Declarations of Interest

To receive any Declarations of Interest in respect of items on this agenda as required by the Code of Conduct adopted by the Council.

Members are reminded that, in accordance with the Council's Code of Conduct, they are required to declare any disclosable pecuniary interest or other registrable interests which have not already been declared in the Council's Register of Interests. Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared on the Register, as well as any other registrable or other interests.

3. Minutes (Pages 1 - 4)

To approve the Minutes of the Economic Development and Planning Committee meeting held on 11 July 2022.

4. Planning Considerations

Members to note that when responding to planning applications consideration should be given to the Melksham Joint Neighbourhood Plan, the Wiltshire Core Strategy and the National Planning Policy Framework (NPPF).

5. Planning Applications

To comment on the following planning applications

5.1 PL/2023/10357

PL/2023/10357 - Proposed Works to Trees in a Conservation Area

Address: 4B PLACE ROAD, MELKSHAM, SN12 6JN

Proposal: T1- Sycamore tree - Fell - Out grown it location, over shading garden, and also

quite significant signs of decay on trunk.

Respond By 25-12-2023

5.2 **PL/2023/10184**

PL/2023/10184 - Householder Application

Address: 7 Marjoram Close, Melksham, SN12 6YU Proposal: Single storey extension to rear elevation

Respond By 28-12-2023

5.3 **PL/2023/10730**

PL/2023/10730 - Householder Application

Address: 18 Martigny Road, Melksham, SN12 7PG

Proposal: Single storey rear extension and replacement garage

Respond By 05-01-2024

Respond date will have passed before meeting date.

5.4 **PL/2023/10488**

PL/2023/10488 - Wiltshire Council R3

Address: Fields North of Melksham Oak School, Bowerhill, Melksham, SN12 6QZ Proposal: Proposed surfaced and lit shared use path (SUP) from new development at East Melksham (Hunters Wood) across adjacent fields that connects access to Melksham Oak School and joins the A365 via a route through Woolmore Farm. Respond By 02-02-2024

This application is within the jurisdiction of Melksham Without Parish Council.

6. Planning Decisions

To note the following planning decisions

6.1 **PL/2023/07608**

PL/2023/07608 - Full Planning Permission

Address: Part of rear garden 31 Roundpond, Melksham, SN12 8DL

Proposal: Construction of a dwelling with access drive and changed entrance to road.

Decision Date: 27-11-2023 Decision: Refuse

MTC Decision: Supported in principle on the basis of housing needs but wished to see

the Highways Department comments addressed.

6.2 PL/2023/08688

PL/2023/08688 - Full Planning Permission

Address: Land to the rear of King Street, Melksham, SN12 6HE

Proposal: Proposed 3 No. new terraced dwellings

Decision Date: 04-12-2023 Decision: Approve with Conditions

MTC Decision: Supported with concerns.

6.3 **PL/2023/00065**

PL/2023/00065 - Full Planning Permission

Address: Angelica Avenue, Melksham, SN12 6QJ

Proposal: New access road.

Decision Date: 06-12-2023 Decision: Approve with Conditions

MTC Decision: No objection.

6.4 PL/2023/05351

<u>PL/2023/05351</u> - Full Planning Permission Address: 1 High Street, Melksham, SN12 6JS

Proposal: Change of use and conversion of former bank to provide 7 flats.

Decision Date: 06-12-2023 Decision: Approve with Conditions

MTC Decision: Supported with concerns

6.5 PL/2023/09560

PL/2023/09560 - Householder Application

Address: 19 Longford Road, Melksham, SN12 6DH

Proposal: Demolition of existing single skin garage and creation of new utility room,

wc/shower and storage area

Decision Date: 14-12-2023 Decision: Approve with Conditions

MTC Decision: Support

6.6 PL/2023/05180

<u>PL/2023/05180</u> - Outline Planning Permission Address: 62 Lowbourne, Melksham, SN12 7ED

Email: towncouncil@melksham-tc.gov.uk Web: www.melksham-tc.gov.uk Facebook: facebook.com/melksham.town

Proposal: Proposed 1no. new Dwelling with New Access (Outline application with all

matters reserved except access).

Decision Date: 18-12-2023 Decision: Approve with Conditions

MTC decision: Object.

6.7 **PL/2023/08930**

<u>PL/2023/08930</u> - Full Planning Permission Address: 1 Philip Close, Melksham, SN12 7AP

Proposal: Proposed detached 2 bed dwelling on vacant land to the rear Of 1 Philip Close.

Decision Date: 19-12-2023 Decision: Withdrawn by Applicant

MTC Decision: Supports.

6.8 **PL/2023/09789**

PL/2023/09789 - Proposed Works to Trees in a Conservation Area

Address: 11A CANON SQUARE, MELKSHAM, SN12 6LX

Proposal: T1. Leylandii group. This group of misplaced non native conifer trees have out-

grown their available space. As an inappropriate species choice Tree Parts are

seeking consent for the group of trees to be removed. Decision Date: 19-12-2023 Decision: No Objection

MTC Decision: Support.

6.9 PL/2023/09715

PL/2023/09715 - Householder Application

Address: 9 Sarum Avenue, Melksham, SN12 6BL Proposal: Retrospective rear single storey extension

Decision Date: 21-12-2023 Decision: Approve with Conditions

MTC Decision: Support.

7. Notice of Planning Decision Appeal (Pages 5 - 10)

To note. Decision on appeal against planning application PL/2022/04516

Appeal dismissed.

8. Notice of A350 Resurfacing Work (Pages 11 - 14)

To note.

9. Sparkle Team and Parish Steward

To consider jobs to be undertaken by the Sparkle Team and Parish Steward.

The Parish Steward is in Melksham 10th, 11th and 15th January.



Melksham Town Council

Minutes of the Economic Development and Planning Committee meeting held on Tuesday 5th December 2023

PRESENT: Councillor S Rabey (Chair)

Councillor P Alford Councillor P Aves Councillor Stokes

Councillor J Westbrook

OFFICERS: Andrew Meacham Committee Clerk

PUBLIC PARTICIPATION: No members of the public or press were present and two members of the public were present virtually.

581/23 Apologises

Apologies were received from Councillor Ellis.

582/23 Declarations of Interest

There were no declarations of interest.

583/23 Minutes

The minutes of 14 November 2023, having previously been circulated, were approved as a correct record and signed by Councillor Rabey.

584/23 Planning Considerations

585/23 Planning Applications

586/23 PL/2023/09560

It was proposed by Councillor Alford, seconded by Councillor Aves and

UNANIMOUSLY RESOLVED to support the application.

587/23 PL/2023/09789

It was proposed by Councillor Alford, seconded by Councillor Rabey and

UNANIMOUSLY RESOLVED to support the application.

588/23 PL/2023/09560

It was noted that this was a duplicate of item 5.1.

589/23 PL/2023/09269

It was proposed by Councillor Aves, seconded by Councillor Westbrook and

UNANIMOUSLY RESOLVED to support the application.

590/23 PL/2023/09840

It was proposed by Councillor Rabey, seconded by Councillor Alford and **UNANIMOUSLY RESOLVED** to support the application.

591/23 PL/2023/09715

It was proposed by Councillor Aves, seconded by Councillor Westbrook and

UNANIMOUSLY RESOLVED to support the application.

592/23 Planning Decisions

Members noted the following planning decisions

593/23 PL/2023/07646

Noted.

594/23 PL/2023/07185

Noted.

595/23 PL/2023/08677

Noted.

596/23 PL/2023/08679

Noted.

597/23 PL/2023/07903

Noted.

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598/23 Local Highways and Footpath Improvement Group (LHFIG) Issues

599/23 Burnet Close

Members were concerned about setting a precedent, resources for enforcement and installing h-bars on both sides of the road.

It was proposed by Councillor Rabey, seconded by Councillor Alford and

UNANIMOUSLY RESOLVED to suspend Standing Orders.

Mrs Escott gave details of the situation and why they were making the request. Members explained the problems and suggested Mr & Mrs Escott contact their Ward Councillor and Wiltshire Councillor, Councillor Hubbard, with a copy of the application. He would then be able to either report back to Melksham Town Council or contact the Highways Officer.

Standing Orders were reinstated.

600/23 Littlejohn Avenue

Members discussed the request. It was noted that consultation with Highways would be required. Concerns were raised that the proposal would not solve the problem and would result in the view of drivers turning into Littlejohn Avenue being blocked

It was proposed by Councillor Rabey, seconded by Councillor Aves and

UNANIMOUSLY RESOLVED to contact the applicant suggesting they contact Councillor Oatley to look at the site and liaise with Highways Department.

601/23 A350 Underpass

It was proposed by Councillor Rabey, seconded by Councillor Stokes and

UNANIMOUSLY RESOLVED not to pursue the request.

602/23 PROPOSED TRAFFIC REGULATION ORDER FOR CONSULTATION

Noted.

603/23 Local Cycling and Walking Plan (LCWIP) for Melksham,

Members felt this would be better considered by full council on 18th December 2023.

604/23 Neighbourhood Plan

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605/23	Sparkle Team and Parish Steward	
	Members asked for leaves to be cleared and ge	neral tidying up.
Meeting (Closed at: 7.40 pm	
Signed:		Dated:

Noted.

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Agenda Item 7

Room 3K Temple Quay House 2 The Square Bristol BS1 6PN Direct Line: 0303 444 5418 Customer Services: 0303 444 5000

Email: West3@planninginspectorate.gov.uk www.gov.uk/ planning-inspectorate

Your Ref: PU2022/04516

Our Ref: APP/Y3940/W/23/3321030

Development Services Wiltshire Council Development Services County Hall Trowbridge BA14 8JF

20 November 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by D S Devellopments
Site Address: Plot adj to 2 Pembroke Road, MELKSHAM, SN12 7NA

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning inspectorate customer survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Mike Lloyd Mike Lloyd

https://www.gov.uk/government/publications/planning-inspectorate-privacy-notices

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

Appeal Decision

Site visit made on 28 September 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/Y3940/W/23/3321030 Plot adjacent to No. 2 Pembroke Road, Melksham, Wilts SN12 7NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S. Rowe, D S Developments, against the decision of Wiltshire Council.
- The application Ref PL/2022/04516, dated 6 June 2022, was refused by notice dated 1 December 2023.
- The development proposed is 'Erection of a pair of single bedroom houses with offstreet parking'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the living conditions of future occupiers with regards to the provision of internal space; and b) the living conditions of the neighbouring occupiers of no. 2 Pembroke Road, with regards to overshadowing and loss of light.

Reasons

Living Conditions of Future Occupiers

- 3. Core Policy 57 of the Wiltshire Core Strategy (adopted 2015) (the Core Strategy) requires a high-standard of design in all new developments. This includes through taking account of the needs of potential future occupants of new developments and ensuring that appropriate levels of amenity space are provided within the proposed development.
- 4. Whilst the Council does not have an adopted policy or guidance that specifically identifies its expected space standards for new dwellings, it has referred to the Government's Technical Housing Standards Nationally Described Space Standards (2015) (the NDSS).
- 5. The NDSS sets out requirements for the gross internal floor area (GIA) of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home. The NDSS is the most up-to-date expression of national planning policy on this matter, it is therefore a consideration to which I attach significant weight.
- 6. The NDSS does not include a minimum overall floorspace standard for 1-bedroom, 1-person, two-storey houses. However, from the information before me, it appears that the proposed dwellings, although containing only a single bedroom, could lend themselves to each accommodating two persons. For

example, although the properties' bedrooms would be narrow in width, they would be capable of accommodating double beds due to their overall composition/level of floorspace¹, while the proposed dwellings both appear to have been provided with two vehicle parking spaces. Indeed, there is no appropriate mechanism which would prevent the proposed dwellings from being occupied as two person homes. I therefore consider it appropriate that the proposal is considered against the standards for a 1 bedroom, two person, two-storey dwelling as expressed within the NDSS.

- 7. In such circumstances, the NDSS advises that a minimum floorspace of 58sqm should be provided. Although the layout of each of the proposed dwellings appears logical, they would both be very small in scale, with the internal floorspace to be provided (approx. 47sqm) falling significantly below the minimum standards that are advised through the NDSS. Indeed, I find the overall level of space in each dwelling would provide a cramped and unsatisfactory environment for two residents.
- 8. Consequently, I find that the proposed development would provide inappropriate living conditions for potential future occupiers and would therefore conflict with Core Policy 57 of the Core Strategy.
- 9. Likewise, the proposal would not adhere to the aims of the National Planning Policy Framework (the Framework) in respect of promoting a high standard of amenity for future users.

Living Conditions of Existing Neighbouring Residents

- 10. The appeal site is a vacant plot that previously formed part of the side/rear garden to no. 2 Pembroke Road (no. 2). However, it has been segregated off from no. 2 and I understand that the adjacent property has since been sold separately with its reduced plot size. This has resulted in the private outdoor space serving No. 2 being reduced to a small, north facing, rear garden, of particularly shallow depth.
- 11. The Council has provided detailed analysis which demonstrates that the garden serving no.2 would experience a near complete loss of direct sunlight for approximately 6 months of the year, due to overshadowing from the proposed development. The analysis also suggests that even during the summer months there would be a significant degree of overshadowing of the garden area. No robust evidence (e.g. sun path/shadowing modelling or analysis) has been provided by the appellant to refute these claims.
- 12. Indeed, from the evidence before me and my observations on site I consider that the proposal would lead to a harmful level of overshadowing to the rear garden of no. 2. This is due to the overall scale, proximity, and orientation of the proposed development to the adjacent garden, combined with, the diminutive size of the rear garden to no.2 and its orientation. Additionally, I am mindful that the majority of natural light serving no.2's kitchen/dining room is likely to come from the property's north facing windows and patio doors, which overlook its rear garden. The proposed development is therefore also likely to lead to a harmful loss of daylight reaching these rooms, which would result in rather dreary conditions being experienced by the neighbouring occupiers.

¹ I note the width of the proposed bedrooms are below that recommended for in the NDSS, but it remains that the overall level of floorspace (taking account of built in storage) is akin to what may be expected for a double/twin bedroom.

- 13. I am informed that the present owners of no. 2 purchased the property despite being made aware of the intention to develop housing on the appeal site. However, this does not negate the need for development proposals to be suitably designed so as not to harm the living conditions of the existing or future neighbouring residents.
- 14. Overall, I find that the proposed development would also harm the living conditions of the neighbouring occupiers of no.2 Pembroke Road. Accordingly, it further conflicts with Core Policy 57 of the Core Strategy, which also seeks to safeguard the living conditions of existing residents as part of its promotion of development that is of a high-quality design. Similarly, the proposal would again conflict with the Framework which also seeks for developments to provide high standards of amenity for existing users.

Other Matters

- 15. The appeal scheme has been designed to address issues raised in relation to a previous application (ref: 20/09005/FUL) for residential development at the site that was refused by the Council. I also appreciate that the appeal proposal may accord with other design expectations outlined under Core Policy 57. Nevertheless, the proposed scheme would not provide satisfactory living conditions for future occupiers, whilst also harming the amenity of adjacent neighbouring residents.
- 16. I note that Melksham Town Council has previously expressed some support for the development of 1 bedroom starter homes and affordable properties. Despite this, the Town Council has seemingly objected to the appeal proposal. In any case, it's support or not, for the proposed development does not alter my above concerns with the appeal scheme.
- 17. The appellant has referred me to nearby examples of infill development that have taken place, albeit has provided very limited details of those developments. However, their contexts do not appear to be comparable to the scheme before me due to differences in site context (e.g. position of the plots and relationship to adjacent dwellings) and the nature of the proposals (e.g. level of floorspace provided). Additionally, I understand each of the permissions referred to were granted between 2004 to 2007, under different planning policy contexts. My decision therefore does not turn on this matter.
- 18. The appellant has highlighted research undertaken by the Home Builders Federation, which identifies a sharp fall in planning permission for housing (nationally) despite acute shortages. I do not have the full details of the research/report, while matters of housing supply are dealt with in my planning balance below. Nonetheless, this does not justify the development of housing of an inappropriate quality.
- 19. I also note the appellant's frustrations with the manner in which the Council dealt with the application. However, the appeal has been determined on its own merits.

Planning Balance

20. The appellant highlights that the Council cannot demonstrate a five-year housing land supply, which has not been contested. Paragraph 11(d)ii of the Framework therefore applies. This requires an assessment of the proposal against the policies of the Framework taken as a whole.

- 21. Although paragraph 60 of the Framework refers to significantly boosting the supply of housing, the provision of two additional units would make little meaningful difference. When judged against some of the core planning principles, the proposal would perform well in that it would provide a new dwelling, in a sustainable location. However, good design is also a key aspect of sustainable development.
- 22. Regardless of the precise level of demand for one-bedroom properties in Melksham, the proposal would still provide socio-economic benefits associated with the delivery and subsequent occupation of the proposed dwellings. Such benefits would however be limited, given the scale of the proposal.
- 23. Against the above, the harm to the living conditions future residents would be significant. Even if it were to be shown that the properties would be occupied as single person dwellings, it remains that there would also be significant harm to the occupiers of neighbouring residents. The Framework attaches importance to achieving well designed development that provides high standards of amenity for existing and future users. Policy CP57 of the Core Strategy is therefore consistent with the Framework. Even taking account of the Council's failure to deliver sufficient housing, the conflict between the proposal and the development plan should be given significant weight in this instance.
- 24. Overall, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

25. The appeal scheme conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. Therefore, for the reasons given above and considering all other matters raised, the appeal is dismissed.

Lewis Condé

INSPECTOR

Agenda Item 8

Email from Atkins Realis

As consultant representative for Wiltshire Council, I write to inform you of resurfacing works programmed along A350 Beanacre Road, Melksham. The site extents can be viewed on the attached.

These works involve repairs to the existing carriageway, the installation of new road markings and the adjustment of surface ironwork.

The works will commence on 4th March 2024 and will be completed on 23rd March 2024 (no weekend working) between the hours of 19:00 and 06:00, however, on occasions they may over run due to uncontrollable circumstances such as plant breakdowns, if weather conditions are unfavourable, or occasionally we discover the need for additional repairs once the work has started. The road will be open as normal outside of these hours.

These works will be phased to maintain access to Foundry Close, the initial phase plan is as follows:

4th – 7th March – works south of Foundry Close

8th - 15th March - works north of Foundry Close

18th & 19th March – works south of Foundry Close

The remaining days are programmed for adjustment of ironwork and installation of road markings. These treatments are more flexible in allowing access, therefore while the road will be closed to through traffic, access will be maintained where possible.

Due to the nature of the works and the local environment, the works will be carried out within a temporary road closure, to ensure that adequate health & safety is maintained for the contractor & local residents.

Road markings and ironwork adjustments may need to be completed at a later date.

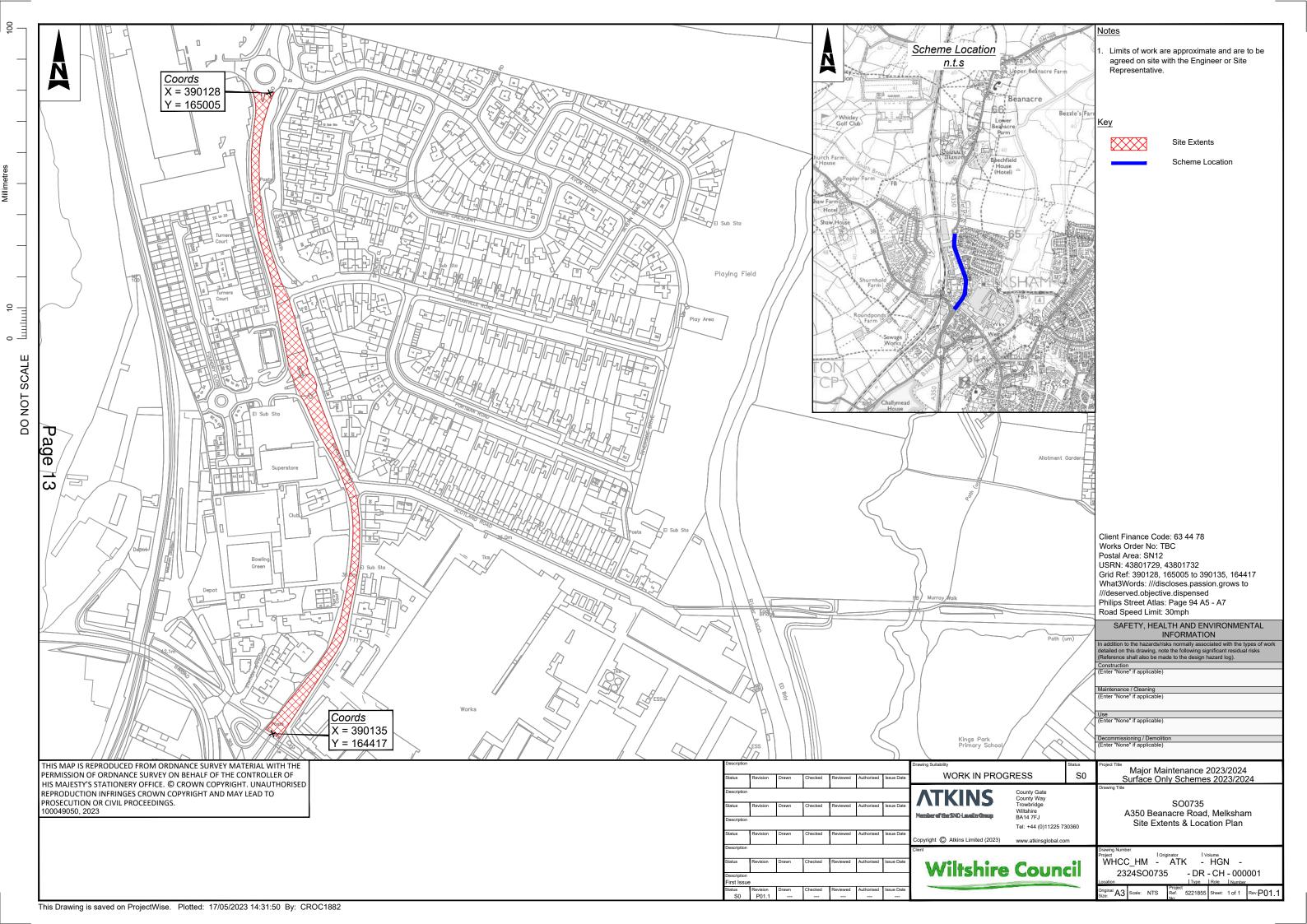
The diversion route for all 'through traffic' whilst works are being undertaken within the road closure will be north on A350, west on A4, east on A365 and vice versa.

There will be points throughout the works period where vehicular access will not be possible as plant may be obstructing the road or material may be newly laid which you will not be able to drive over, as early trafficking could lead to premature failure. If works are being undertaken in the vicinity of your property; I would suggest speaking to the workforce in advance to ask if there will be any restrictions with regards to access.

The Contractor will maintain pedestrian access for residents for the duration of the works; I have recommended to residents that when leaving their property in their vehicle, to allow extra time for any possible delays and when returning to their property. There will be traffic management operatives located at the extents of the works, to speak to them, explain where they live, and they will be able to assist.

Signing will be in place advising that local businesses will be open as usual. A letter drop to businesses has already been carried out (week commencing 6th November). Additional letter drops will be undertaken to all the residents and businesses located within the site extents four and two weeks ahead of the works starting on site.

I would like to take this opportunity to apologise for any inconvenience these works will cause but trust you will appreciate the necessity for these essential works to maintain Wiltshire's highway network. Should you require any further information in advance of the works please do not hesitate to contact me on the details shown below. If you wish to discuss the works whilst they are in operation, please speak to a member of the workforce who will direct you to the appropriate person.



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