



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 J Hubbard (Chair)
Councillor G Cooke (Vice-Chair)
Councillor P Aves
Councillor S Crundell
Councillor C Goodhind
Councillor S Mortimer
Councillor G Ellis
Councillor J Oatley
Councillor S Rabey

4 January 2022

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 Melksham Town Hall on **Monday 10th January 2022** 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.

Yours sincerely

Mrs L A Roberts BA(Hons), PGCAP, FHEA, FSLCC
Town Clerk and RFO

Melksham Town Council
Economic Development and Planning Committee

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.

AGENDA

1. Apologies

To receive apologies 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 - 6)

To approve the Minutes of the Economic Development and Planning Committee meeting held on 29 November 2021.

4. Neighbourhood Plan

To note that the grant application to the Neighbourhood Planning Programme has been successful and that a grant of up to a maximum of £7,440.00 has been awarded to be spent before 31 March 2022. A further application for funding will be made this year.

5. Planning Applications (Pages 7 - 44)

To comment on the following planning applications:

[PL/2021/11100](#)

45 CHURCHILL AVENUE, MELKSHAM, WILTS SN12 7JN
Erection of first floor extension over the existing ground floor

extension.

Consultation Deadline: 28 /12/2021 (Extension to consultation deadline requested)

[PL/2021/10953](#)

KING GEORGES FIELD, BATH ROAD, MELKSHAM, WILTS SN12 7ED
Demolition of existing derelict maintenance building and the formation of a new maintenance building on the same site (see Owner/Occupier letter attached).

Consultation Deadline: 05/01/2022 (Extension to consultation deadline requested)

[PL/2021/11678](#)

Works to a Protected Tree.

INGLEWOOD HOUSE, 4 PLACE ROAD, MELKSHAM, WILTS SN12 6JN
T1 - Row of Leylandii trees – reduce height by a third and cut back overhanging branches on the car park side (subject to separate TCA application). T2 – Lime Tree - crown raise to a height of 8ft above the ground (TPOW/05/00004/IND refers). See TPOW/005/0005/IND, photos and site plan attached.

Consultation Deadline: 08/01/2022 (Extension to consultation deadline requested)

[PL/2021/11712](#)

Proposed Works to Trees in a Conservation Area

INGLEWOOD HOUSE, 4 PLACE ROAD, MELKSHAM, WILTS SN12 6JN
Row of Leylandii trees forming hedge – reduce height by one third.

Consultation Deadline: 08/01/2022 (Extension to consultation deadline requested)

[PL/2021/11578](#)

70 DUNCH LANE, MELKSHAM, WILTS SN12 8DX

Proposed Single Storey Rear Extension

Consultation Deadline: 11/01/2022

[PL/2021/11637](#)

MCDONALDS, BEANACRE ROAD, MELKSHAM, SN12 8RP

Proposed installation of one rapid electric vehicle charging station. One existing parking space will become an EV charging bay, along with associated equipment.

Consultation Deadline: 17/01/2022

[PL/2021/11635](#)

48 CHURCHILL AVENUE, MELKSHAM, SN12 7JE

Demolish pre cast concrete garage and rear shed/link to house and replace with new linked single storey extension

Consultation Deadline: 18/01/2022

[PL/2021/11498](#)

FORMER COUNTRYWIDE STORE SITE, BRADFORD ROAD, MELKSHAM, SN12 8LQ

Erection of 2 No. commercial buildings (Builders' Merchant and

Automotive Centre) and associated access, landscaping and drainage works (see attached illustrative masterplan)

Consultation Deadline: 28/01/2022

[PL/2021/11738](#)

8 FULLERS CLOSE, MELKSHAM, SN12 7BX

Proposed single storey side extension

Consultation Deadline: 28/01/2022

6. Planning Decisions

To note the following planning decisions:

[PL/2021/08033](#)

16 FOREST ROAD, MELKSHAM, SN12 7AA

Proposed Single Storey Rear Extension & Vehicle Access & Parking

MTC Consultee Response: No Objection

Decision: Approve with Conditions

[PL/2021/07190](#)

8 THE CRAYS, MELKSHAM, SN12 7BZ

Proposed loft conversion with hip to gable conversion with rear dormer & single storey rear extension.

MTC Consultee Response: No Objection

Decision: Approve with Conditions

[PL/2021/08323](#)

15 TRENT CRESCENT, MELKSHAM, SN12 8BG

Proposed loft conversion with flat roof dormer and roof lights.

MTC Consultee Response: No Objection

Decision: Approve with Conditions

[PL/2021/09234](#)

BROOKSIDE CARE HOME, RUSKIN AVENUE, MELKSHAM, SN12 7NG

Construction of a single storey brick built extension to the day room at the front elevation. A built up felt flat roof with two roof lights is proposed along with UPVC windows and a powder coated alloy sliding door set. New grey paving slabs are proposed. An AC unit is proposed at an existing flat roof.

MTC Consultee Response: No Objection

Decision: Approve with Conditions

[PL/2021/05215](#)

70 LONGFORD ROAD, MELKSHAM, SN12 6AU

Proposed loft conversion with flat roof dormer and roof lights.

MTC Consultee Response: No Objection

Decision: Approve with Conditions

[PL/2021/08810](#)

1 THORNBANK, MELKSHAM, SN12 6JQ

Removal of area of grass to allow for 3No additional parking spaces

MTC Consultee Response: No Objection

Decision: Approve with Conditions

[PL/2021/10292](#)

14 DEAN CLOSE, MELKSHAM, SN12 7PU

Replacement of the front door and internal works.

MTC Consultee Response: No Objection

Decision: Approve with Conditions

7. Community Area Transport Group (CATG) Issues

Members will need to decide whether to support the Highways Improvement request and recommend to the Community Area Transport Group (CATG).

7.1 Sandridge Road to Maple Close proposed foot link improvements

The CAT survey has identified numerous underground services which may need to be lowered or diverted should the improvements be carried out. A ballpark estimate of £6,000 has been provided. Members are to decide whether they wish to proceed in view of the financial risk.

7.2 Highways Improvement Notice Pathway between Hazelwood Road and St Michaels Road (Pages 45 - 48)

Highways Improvement Request – Pathway between Hazelwood Road and St Michaels Road – for investigation into the installation of lighting.

8. Traffic Survey Results (Pages 49 - 52)

To receive the results summary of the Union Street Traffic Survey carried out in October 2021. Members are requested to consider the next steps (see Traffic Survey results summary and criteria for traffic survey attached).

9. A350 Melksham Bypass - Second Public Consultation Report

To note the publication of the A350 Melksham By-Pass Report following the second public consultation (see link below).

www.wiltshire.gov.uk/highways-a350-melksham-bypass

10. Asset of Community Value - ACV/2021/00012 - Land north-west of Woodrow Road Melksham SN12 7AJ (Pages 53 - 54)

To receive the Wiltshire Council notice of decision to list the land north-west of Woodrow Road, Melksham as an Asset of Community Value (see attached).

11. Electric Vehicle Charging Points

To note that the electric vehicle charging points in King Street car park have been out of action for several months and are unlikely to be replaced by Wiltshire Council until 2022/2023.

12. Sparkle Team and Parish Steward

To consider jobs to be undertaken by the Sparkle Team and Parish Steward for February 2022.

Melksham Town Council

Minutes of the Economic Development and Planning Committee meeting held on Monday 29th November 2021

PRESENT: Councillor J Hubbard (Chair)
Councillor G Cooke (Vice-Chair)
Councillor P Aves
Councillor S Crundell
Councillor C Goodhind
Councillor S Mortimer
Councillor J Oatley
Councillor S Rabey
Councillor L Lewis

IN ATTENDANCE: Councillor M Sankey Wiltshire Council

OFFICERS: Christine Hunter Committee Clerk
Patsy Clover Acting Deputy Town Clerk

156/21 Public Participation

17 members of the public and one member of the press were present

The Town Mayor, Councillor Hubbard, advised that an update had been received from Wiltshire Council regarding works planned on Melk 39 following the submission of a Section 56 order. He confirmed that, at present, it was not planned to remove any trees but this may change if a 1.5m width path could not be created. He commented that he felt that Wiltshire Council had acted with indecent haste following the submission of Mr Witcomb's application as the works were due to take place on 7 December. It was noted that an ecologist would be present throughout the works.

Proof of land ownership was requested from Mr Green. The Town Mayor, Councillor Hubbard, also asked Mr Green to send him the questions to which Wiltshire Council had not responded.

Concerns were raised about the possibility of increased anti-social behaviour once the path was cleared.

Residents were unhappy about the delay in arranging a meeting between themselves and Wiltshire Council. The possibility of a hybrid meeting to discuss longterm options was mooted.

The Town Mayor, Councillor Hubbard, recommended that the residents meet informally to see if matters could be resolved.

157/21 Apologies

Apologies were received from Councillor Ellis who was substituted by Councillor Lewis.

158/21 Declarations of Interest

There were no declarations of interest.

159/21 Minutes

The Town Mayor, Councillor Hubbard, requested an amendment to the minutes of the Economic Development and Planning Committee meeting held on 8 November 2021 regarding Melk 39 to record that “the Town Mayor, Councillor Hubbard, suggested to Mr Witcomb that a statutory process regarding amendments to public rights of ways could found on the Wiltshire Council website”. Following the amendment the minutes, having previously been circulated, were approved as a correct record and would be signed by the Town Mayor, Councillor Hubbard, at a later date.

160/21 PlanningSphere Limited Presentation on a Proposed Development at the former Countrywide Site, off Bradford Road, Melksham.

A presentation was received from Chris Beaver of PlanningSphere Limited regarding a proposal for two commercial units on the former Countrywide Site at Bradford Road Melksham SN12 8LQ.

The company were proposing to seek planning approval for a builder’s merchant and an MOT centre on the site, which was now surplus to AB Dynamics’ requirements. It was anticipated that approximately 35 jobs would be created by both businesses.

The impact on local businesses and the need for landscaping were discussed.

161/21 Stantonbury Building and Development Company Presentation on a Proposed Development at Station Yard, (between Dunch Lane and Bath Road), Melksham

A presentation was received from Stantonbury Building and Development Company regarding a proposal for a housing development between Dunch Lane and Bath Road on the former scrap yard and adjacent land.

Plans for the proposed development of approximately 100 houses and a nursing home were circulated. It was hoped that the development would be carbon net zero.

A consultation with local residents had been held. Consultation with nearby allotment holders will take place before the scheme is progressed further.

It was agreed to suspend Standing Orders to enable Councillor Glover, Melksham Without Parish Council, to raise concerns regarding flood zones 2 and 3 and the impact any flood alleviation measures would have upstream in Shurnhold Fields and Shaw. He also reminded members that both the Neighbourhood Plan and the Core Strategy had identified this area of land as employment land, not residential land.

It was confirmed that no housing development would take place on the flood plain. This would be developed as open green space with appropriate flood alleviation measures put in place.

162/21 Planning Applications

The Council had **no objection** to the following planning applications:

[PL/2021/10292](#)

14 DEAN CLOSE MELKSHAM SN12 7EZ

Proposed single storey rear extension.

Consultation Deadline: 06/12/2021

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to support the planning application.

[PL/2021/10296](#)

14 CORFE ROAD MELKSHAM SN12 6BQ

Partial demolition of existing attached garage and erection of new extension to replace and extend over first floor of garage at rear. Partial removal of existing conservatory replaced with masonry construction. Construction of outbuilding to function as Home Office.

Consultation Deadline: 08/12/2021

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to support the planning application.

[PL/2021/10677](#)

48 ADDISON ROAD MELKSHAM SN12 8DR

Proposed erection of a two storey side extension.

Consultation Deadline: 14/12/2021

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to support the planning application.

[PL/2021/10607](#)

28 CHURCH WALK MELKSHAM SN12 6LY

Single storey rear utility extension (retrospective).

Consultation Deadline: 17/12/2021

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to support the planning application.

[PL/2021/10759](#)

28 CHURCH WALK MELKSHAM SN12 6LY

Listed Building Consent (Alt/Ext)

Single storey rear utility extension (retrospective).

Consultation Deadline: 17/12/2021

It was proposed the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to support the planning application.

[PL/2021/10087](#)
6ES

MELKSHAM HOUSE, 27 MARKET PLACE MELKSHAM SN12

Variation of Conditions 6 (surface water), 7 (landscape mount), 10 (hard & soft landscaping), 12 (hard landscape materials), 13 (external lighting), 14 (cycle parking) & 26 (approved plans) on 20/09353/VAR to allow for design changes.

Consultation Deadline: 03/12/2021

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to support the planning application.

The Council **objected** to the following planning application:

[PL/2021/10256](#)

2 QUEENSWAY MELKSHAM SN12 7JY

Application for the removal of no. 1 unallocated lay-by parking space and creation of no. 2 of street parking

spaces and associated works including relocation of street furniture and turning head.

Consultation Deadline: 16/12/2021

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Aves and

UNANIMOUSLY RESOLVED to object to the planning application due to highways' issues.

163/21 Planning Decisions

Members noted the following planning decisions:

[PL/2021/07963](#)

23 AVON ROAD MELKSHAM SN12 8AY

Retrospective Permission for Outbuilding

Decision: Approve with Conditions

MTC response: No objection

[PL/2021/06935](#)

LAND ON THE WEST SIDE OF SEMINGTON ROAD ST

MICHAEL'S ROAD MELKSHAM SN12 6HN

Retrospective Permission for Outbuilding

Decision: Refused

MTC response: Object

[PL/2021/07352](#)

27 QUEENSWAY MELKSHAM SN12 7JZ

Install a dropped kerb to the front of the property.

Decision: Approve with Conditions

MTC response: No objection

[PL/2021/03098](#)

6 CONWAY CRESCENT MELKSHAM SN12 6BA

Replace existing back garden and side garden fence and gate.

Decision: Approve with Conditions

MTC response: No objection

[PL/2021/08270](#)

78 KENILWORTH GARDENS MELKSHAM SN12 6AP

Proposed front extension.

Decision: Approve with Conditions

MTC response: No objection

[PL/2021/06715](#)

30 LONGFORD ROAD MELKSHAM SN12 6AS

Single storey rear extension, two storey side extension and front single-storey extension and porch.

Decision: Approve with Conditions

MTC response: No objection

164/21 Planning Appeal Notification - Land West of Semington Road Melksham

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Oatley and

UNANIMOUSLY RESOLVED to object to the planning appeal on the grounds previously stated, with reference to policies in the Neighbourhood Plan.

165/21 Carriageway Layout at Old Broughton Road

It was proposed by the Town Mayor, Councillor Hubbard, seconded by Councillor Rabey and

UNANIMOUSLY RESOLVED to request that two Metro Counts be carried out in two different locations on Old Broughton Road.

166/21 Community Area Transport Group (CATG) Issues

167/21 Highways Improvement Request Form - 27 Gladstone Road Melksham

Councillor Sankey reported that the housing developers had agreed to paint white lines on the road in an attempt to alleviate the parking issues, following a request from Wiltshire Council. It was recommended that, should there be no improvement in the parking situation after six months, the matter should be brought back to the committee for further consideration.

168/21 Temporary Road Closure Notifications

The Temporary Road Closure Notifications for the Melksham Christmas Lights Event on 4 December were noted.

169/21 New Premises Licence Application - Bradford Road, Melksham, SN12 8LQ

It was **UNANIMOUSLY RESOLVED** to support the application.

170/21 Sparkle Team and Parish Steward

Members were asked to forward any ideas for jobs to be carried out by the Sparkle Team and the Parish Steward to the Committee Clerk.

Meeting Closed at: 8.56 pm

Signed:

Dated:

Owner / Occupier
The Park Centre
Lowbourn
Melksham
Wiltshire

Development Services
Wiltshire Council
Tel: 0300 456 0114

08 December 2021

Dear Sir/Madam

Application No:	PL/2021/10953
Application Type	Full planning permission
Proposal:	Demolition of existing derelict maintenance building and the formation of a new maintenance building on the same site.
Location:	King Georges Field, Bath Road, Melksham, Wilts, SN12 7ED
Case Officer:	Gen Collins

A planning application has been received for the above proposal. Plans are available to view on the website <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000016sH1j>.

You may also use the computers in your local library to access the council's web site.

If you wish to comment on the application, please send your views via the online facility on our website by **05 January 2022**.

Comments should not be of a discriminatory, defamatory or libellous nature.

All comments received will be considered but it will not normally be possible to respond to them individually or enter into ongoing discussions in respect of the matters raised. All comments will be open to public inspection under the provisions of the Local Government (Access to Information) Act 1985. Your information will be used by Wiltshire Council in determining an application for planning permission and any representations received are published online on our public register and this includes your name and address. (Your address, email address, and any contact numbers will be excluded from public viewing but we will hold this information on our planning system.)

If you are the tenant you may comment but it is important that you pass this letter to the owner.

Whilst most applications are determined by the Director of Economic Development & Planning under delegated powers, if this planning application is referred to a planning committee for decision and you have made a representation you will be advised of the date, time and venue of the relevant meeting. As you may appreciate, due to the number of representations the Council receives on applications, it is unfortunately not possible to notify you personally of the decision that is reached, but details of the decision and a copy of the decision notice will be made available on the website.

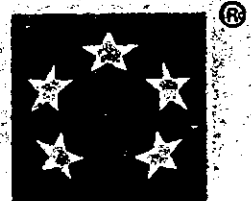
Yours faithfully

Head of Development Management

Relevant issues when applications are considered include: Development Plan Policy Government Guidance Highway safety and traffic Design, appearance and layout Effect of the level of daylight and privacy Conservation of buildings, trees and open land Need to safeguard the countryside Noise disturbance and smells	The following are NOT relevant planning matters and cannot be considered: Effect on the value of the property Loss of a private view Inconvenience or other problems caused by building works Matters covered by other laws Private property rights Possible future development The fact the development may have started Trade objections based on competition Moral objections
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WEST WILTSHIRE
DISTRICT COUNCIL

TPO NO		TPO type	
05/00004		IND	
Tree Species: LIME			
Location: INGLEWOOD, 4A PLACE ROAD MELKSHAM			
Effective Date:	09/02/05	Date Confirmed:	23.6.05



Town and Country Planning Act 1990
The District of West Wiltshire (Inglewood 4a Place Raod Melksham)
Tree Preservation Order ~~2004~~ 2005.

The **West Wiltshire District Council** in exercise of the powers conferred on them by sections 198 [201^(a)] [and] 203 [and 300] of the Town and Country Planning Act 1990^(b) hereby make the following Order:

Citation

1. This Order may be cited as The District of West Wiltshire (Inglewood 4a Place Raod Melksham) Tree Preservation Order 2004.

Interpretation

2. In this Order "the authority" means the West Wiltshire District Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

Application Of Section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 9 February 2005.

Prohibited Acts In Relation To Trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)^(c) or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall:

(a) cut down, top, lop, uproot, willfully damage or willfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, willful damage or willful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5. (1) Nothing in article 4 shall prevent:

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land(d) of the statutory undertaker and the work is necessary:

(i) in the interests of the safe operation of the undertaking;

(ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

(iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995^(e);

(b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;

(c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;

(a) Under section 199(i), tree preservation orders generally do not take effect until confirmed, but a direction may be given under section 201 for an order to take provisional effect immediately.

(b) Where the Order is to be made under the sections cited and section 300 of the Town and Country Planning Act 1990, all those provisions should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry Commission is required (and should be cited) see section 200(1) of that Act.

(c) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences under that Act to fell trees comprised in a tree preservation order).

(d) See section 263 of the Town and Country Planning Act 1990.

(e) S.I. 1995/418.

- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act r deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991^(a); or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989^(b).

(2) In paragraph (1), "statutory undertaker" means any of the following:

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986)^(c),
- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984^(d), to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

Applications For Consent Under The Order

- 6. An application for consent for the cutting down, topping, lopping or uprooting of any tree in respect of which his Order is for the time being in force shall be made in writing to the authority and shall:
 - (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
 - (b) specify the work for which consent is sought; and
 - (c) contain a statement of the applicant's reasons for making the application.

Application Of Provisions Of The Town And Country Planning Act 1990

- 7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2)
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions As To Replanting

- 8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(a) 1991 c.59. see section 72.

(b) 1989 c.29.

(c) 1986c.31.

(d) 1984 c.12

(3) A direction under paragraph (1) may include requirements as to:

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person —

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article:

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and “owner” has the meaning given to it by section 34 of the Forestry Act 1967.

Application To Trees To Be Planted Pursuant To A Condition

10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].

Orders Made By Virtue Of Section 300

11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land).

Dated this 9TH day of FEBRUARY 2005

The Common Seal of the West Wiltshire District Council was hereunto affixed in the presence of:

..... Member
..... Principal Lawyer



Signed on behalf of the West Wiltshire District Council

.....
Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the West Wiltshire District Council without modification on the day of or

This Order was confirmed by the West Wiltshire District Council, subject to the modifications indicated by (state how indicated), title modification 2004 to 2005 as, on the 23rd day of June 2005 amended on front sheet

x P. J. Dextery x
Authorised by the Council to sign in that behalf

~~DECISION NOT TO CONFIRM ORDER~~

A decision not to confirm this Order was taken by the West Wiltshire District Council on the day of

.....
Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the West Wiltshire District Council on the day of, under the reference number

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the West Wiltshire District Council on the day of, under the reference number

.....
~~Authorised by the Council to sign in that behalf~~

SPECIFICATION OF TREES

INGLEWOOD 4A PLACE RAOD MELKSHAM

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
T1	Lime	

TREES SPECIFIED BY REFERENCE TO AN AREA

(with dotted black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
-------------------------	--------------------	-------------------

GROUPS OF TREES

(within a broken black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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WOODLANDS

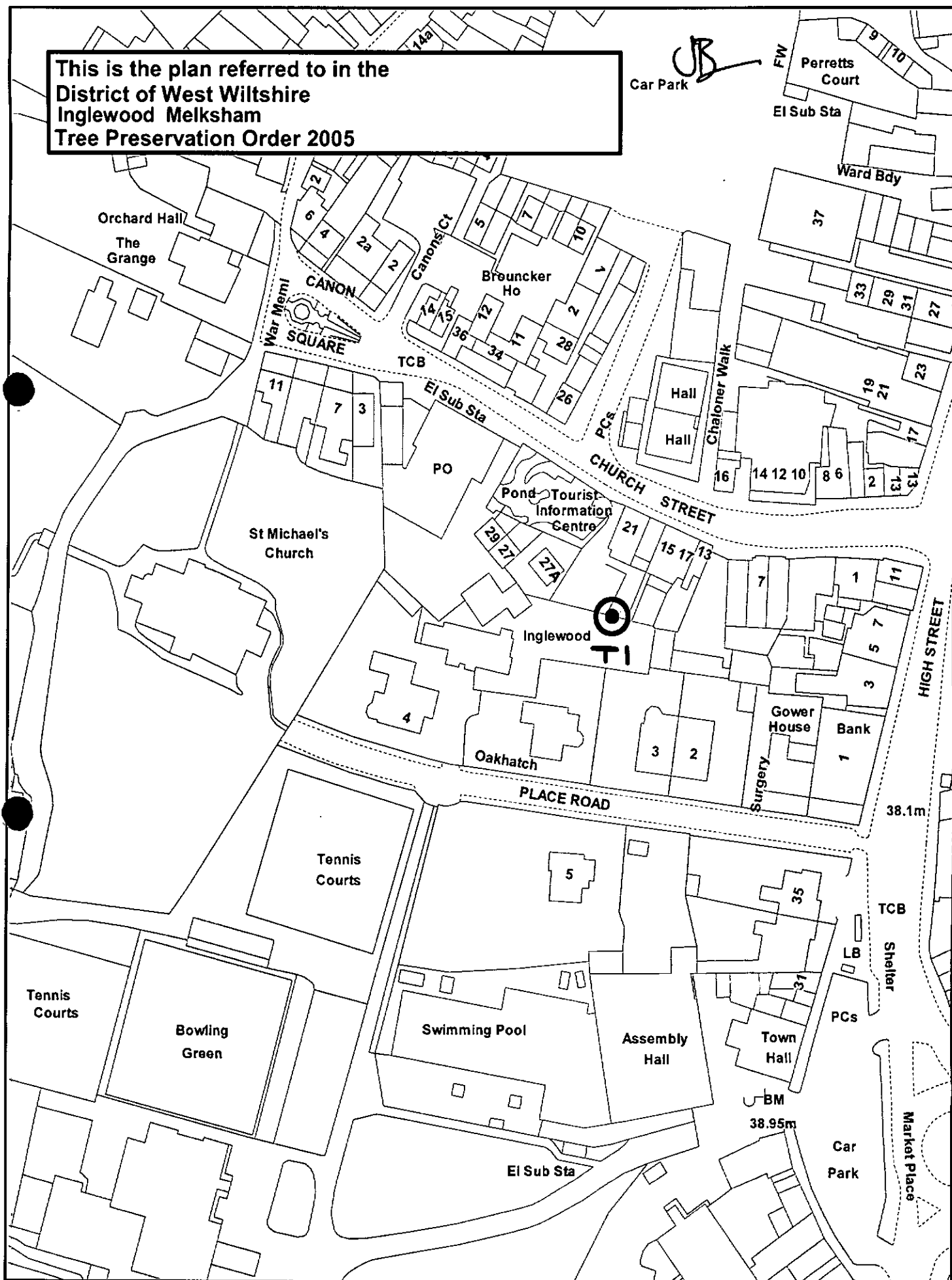
(within a continuous black line on the map)

<u>Reference on Map</u>	<u>Description</u>	<u>Situation*</u>
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* complete if necessary to specify more precisely the position of the trees.

TREE PRESERVATION ORDER

This is the plan referred to in the
District of West Wiltshire
Inglewood Melksham
Tree Preservation Order 2005



PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provisions of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)-</p> <p>(i) omit— “in such manner as may be prescribed by a development order”, “such” in the second place where it appears, and “as may be so prescribed”, and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission</p> <p>(b) In subsection (2)—</p> <p>(i) after “contain” insert “, as regards each such order” and (ii) for paragraphs (a) and (b) substitute— “(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p>(i) substitute— “Subject to subsections (IA) and (IB), where” for “Where”, “the authority” for “a local planning authority”, “consent under a tree preservation order” for “planning permission” where those words first appear; and “consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert— “(including conditions limiting the duration of the consent or requiring the replacement of trees)”: and</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert— “(IA) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area. (IB) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)”.</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”: and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute—</p> <p>(i) “the authority” for “a local planning authority”.</p> <p>(ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;</p> <p>(iii) “consent under such an order” for “planning permission” in the second place where those words appear;</p> <p>(iv) or paragraph (c) substitute— “(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority”.</p> <p>(b) Omit subsection (2)</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute— “in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”.</p> <p>(d) For subsection (4), substitute— “(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.</p> <p>(e) For subsection (5), substitute— “(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)*	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <p>(i) “section 70(1), (IA) and (IB)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”</p> <p>(ii) “consent under a tree preservation order” for “planning permission”; and</p> <p>(iii) “the authority” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71”.</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

*section 79 was amended by the Planning and Compensation Act 1991 (c. 34), section 18 and Schedule 7, paragraph 19.

PART II

Provisions Of The Town And Country Planning Act 1990, As Adapted And Modified By Part I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order:
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to subsections (IA) and (IB), where an application is made to the authority for consent under a tree preservation order:
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

Section 78

- (1) Where the authority:
 - (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
 - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
 - (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction' or
 - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,the applicant may by notice appeal to the Secretary of State.
- (3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:
 - (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;

- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.
- (4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).
- (5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

Section 79

- (1) On an appeal under section 78 the Secretary of State may:
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to him in the first instance.
- (2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- (4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.
- (5) The decision of the Secretary of State on such an appeal shall be final.
- (7) Schedule 6 applies to appeals under section 78.

Our Ref: 05/00004/IND

CON_C

23 June 2005

FILE COPY

LETTERS SENT TO:

Mr J Crook, Melksham Town Council, The Town Hall Melksham Wilts SN12 6ES

District Highway Surveyor, Area Highway Office, 36 Lancaster Road, Bowerhill, Melksham, Wilts, SN12 6QT -
Attention: Mr I Janes

Countryside Officer (Landscape), Environmental Services Department, Wiltshire County Council, County Hall,
Trowbridge, Wiltshire - Attention: Steve Russell

Dear Sir

The District of West Wiltshire (Inglewood 4a Place Road Melksham) Tree Preservation Order 2004

We refer to our previous correspondence concerning the above. It was decided to confirm the Tree Preservation Order on 23.06.2005.

We therefore enclose a copy of the confirmed Order for your attention and retention.

The validity of a Tree Preservation Order cannot be challenged in any legal proceedings except by way of application to the High Court. An application to the High Court may be made by any person who is 'aggrieved' by a Tree Preservation Order on the grounds:

- 1 that the Tree Preservation Order is not within the powers of the Act; or
- 2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

An application must be made within 6 weeks of the date of the Local Planning Authority's confirmation of the Tree Preservation Order. The High Court may quash the Tree Preservation Order, or suspend its operation wholly or in part. Failure by the Local Planning Authority to comply with the requirements of the Act or Regulations is not in itself sufficient for the Court to quash a Tree Preservation Order; the Court must also be satisfied that the interests of the applicant have been 'substantially prejudiced' as a result. Before making an application under this ground, therefore, any would-be applicant may first wish to consider whether the Local Planning Authority's decision would have been more favourable to him if made in accordance with the statutory requirements.

Anyone thinking about making an application to the High Court is advised to take legal advice about the correct procedure to be followed (which is set out in Rules of Court) and the likely costs that would be incurred if the application failed.

Yours faithfully



D HUBBARD
Development Control Manager

For further enquiries please contact the above officer on ext 01225 776655 Ext 320, or by e:mail on planningoffice@westwiltshire.gov.uk

Enc

Our Ref: 05/00004/IND

CON_O

23 June 2005

FILE COPY

Owner / Occupier
Inglewood
4A Place Road
Melksham
Wiltshire
SN12 6JN

**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

Dear Sir or Madam

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Yours faithfully



D HUBBARD
Development Control Manager

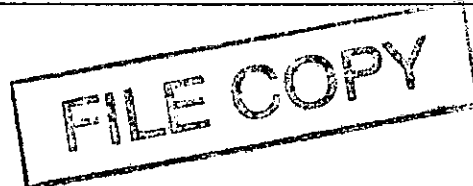
For further enquiries please contact the above officer on ext 01225 776655 Ext 320, or by e:mail on planningoffice@westwiltshire.gov.uk

Enc



Our Ref: 05/00004/IND

Date as Postmark



CON_N

The Owner/Occupier
15 - 17 Church Street
Melksham
Wiltshire
SN12 6LT

**IMPORTANT - THIS COMMUNICATION AFFECTS
YOUR PROPERTY**

Dear Sir or Madam

The District of West Wiltshire (Inglewood 4a Place Road Melksham) Tree Preservation Order 2004

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- 1 that the Tree Preservation Order is not within the powers of the Act; or
- 2 that the requirements of the Act or the 1969 Regulations have not been complied with in relation to the Tree Preservation Order.

To be 'aggrieved', the applicant should be able to show that he has a sufficiently direct interest in the matter.

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Yours faithfully

D HUBBARD
Development Control Manager

For further enquiries please contact the above officer on ext 01225 776655 Ext 320, or by e:mail on planningoffice@westwiltshire.gov.uk

Enc

Order No. 05/00004/IND
U.P.R.N. 100121109656
Status CONF - Order Confirmed

Address Inglewood
4A Place Road
Melksham
Wiltshire
SN12 6JN

Title Inglewood 4a Place Raod Melksham

Letter Type CONFN - Confirmation of Order letter (Neighbour)

Neighbour Expiry Date 21.07.2005

Address	Letter Type	Date Printed	Reply Date	Ack. Date	Neighbourhood Consultee
15 - 17 Church Street Melksham Wiltshire SN12 6LT	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
19 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
21 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
27A Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
27 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
29 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
2 Place Road Melksham Wiltshire SN12 6JN	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
3 Place Road Melksham Wiltshire SN12 6JN	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
4B Place Road Melksham Wiltshire SN12 6JN	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
Oak Hatch 3A Place Road Melksham Wiltshire SN12 6JN	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>
Inglewood House 4 Place Road Melksham Wiltshire SN12 6JN	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005			<input type="checkbox"/>

Unit 5 11A Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
11 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
23 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
11A Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
9 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
13 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
The Roundhouse 25 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
21A Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
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Unit 1 11A Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
15 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
17 Church Street Melksham Wiltshire SN12 6LS	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>
13 And 15 And 17 Church Street Melksham Wiltshire	NOT_N NOT_N CONFN	31.01.2005 31.01.2005 23.06.2005	<input type="checkbox"/>

Our Ref: 05/00004/IND

NOT_O

31 January 2005

FILE COPY

Owner / Occupier
Inglewood
4A Place Road
Melksham
Wiltshire
SN12 6JN

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The District of West Wiltshire (Inglewood 4a Place Road Melksham) Tree Preservation Order 2004

This is a formal notice to let you know that on 31.01.2005 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on Tree Preservation Orders is given in the enclosed leaflet, Protected Trees: A Guide to Tree Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council has made the Order because:

A report was received that this Lime tree was under treat of being felled, without consent, within a conservation area. This tree provides significant landscape amenity and street scene value, and can be view from many areas surrounding the site. Therefore, this tree is worthy of protection, and a Tree Preservation Order has been placed.

The Order took effect, on a provisional basis, on 09.02.2005. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, which first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by . Your comments must comply with regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is printed overleaf. Send your comments to The Landscape Officer, Planning Services, West Wiltshire District Council, Bradley Road, Trowbridge, Wilts, BA14 0RD. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mr C Kirk, Landscape Officer on 01225 776655 Ext 232, or by e:mail on planningoffice@westwiltshire.gov.uk.

Yours faithfully



C KIRK
Landscape Officer

Enc

REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Objections and representations

4(1) Subject to paragraph (2), objections and representations –

(a) shall be made in writing and -

- (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
- (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

Our Ref: 05/00004/IND

NOT_N

Date as Postmark

FILE COPY

The Owner/Occupier
15 - 17 Church Street
Melksham
Wiltshire
SN12 6LT

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The District of West Wiltshire (Inglewood 4a Place Raod Melksham) Tree Preservation Order 2004

Under the terms of the Town & Country Planning (Trees) Regulations 1999, this is a formal notice to let you know that on 31.01.2005 the Council made the above Tree Preservation Order. I am writing to you because the requirement states that we must notify the owner and occupier of any land adjoining the land on which the trees are situated.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

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Yours faithfully



C KIRK
Landscape Officer

Enc

REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Objections and representations

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Our Ref: 05/00004/IND

NOT_C

31 January 2005

FILE COPY

LETTERS SENT TO:

Mr J Crook, Melksham Town Council, The Town Hall Melksham Wilts SN12 6ES
District Highway Surveyor, Area Highway Office, 36 Lancaster Road, Bowerhill, Melksham,
Wilts, SN12 6QT - Attention: Mr I Janes
Countryside Officer (Landscape), Environmental Services Department, Wiltshire County
Council, County Hall, Trowbridge, Wiltshire - Attention: Steve Russell

Dear Sir

**The District of West Wiltshire (Inglewood 4a Place Raod Melksham) Tree Preservation
Order 2004**

Under the terms of the Town & Country Planning (Trees) Regulations 1999, this is a formal notice to let you know that on 31.01.2005 the Council made the above Tree Preservation Order. I am writing to you because the requirement states that we must notify the owner and occupier of any land adjoining the land on which the trees are situated.

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Our Ref: 05/00004/IND

NOT_N

Date as Postmark

The Owner/Occupier
23A Church Street
Melksham
Wiltshire
SN12 6LS

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

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Wiltshire
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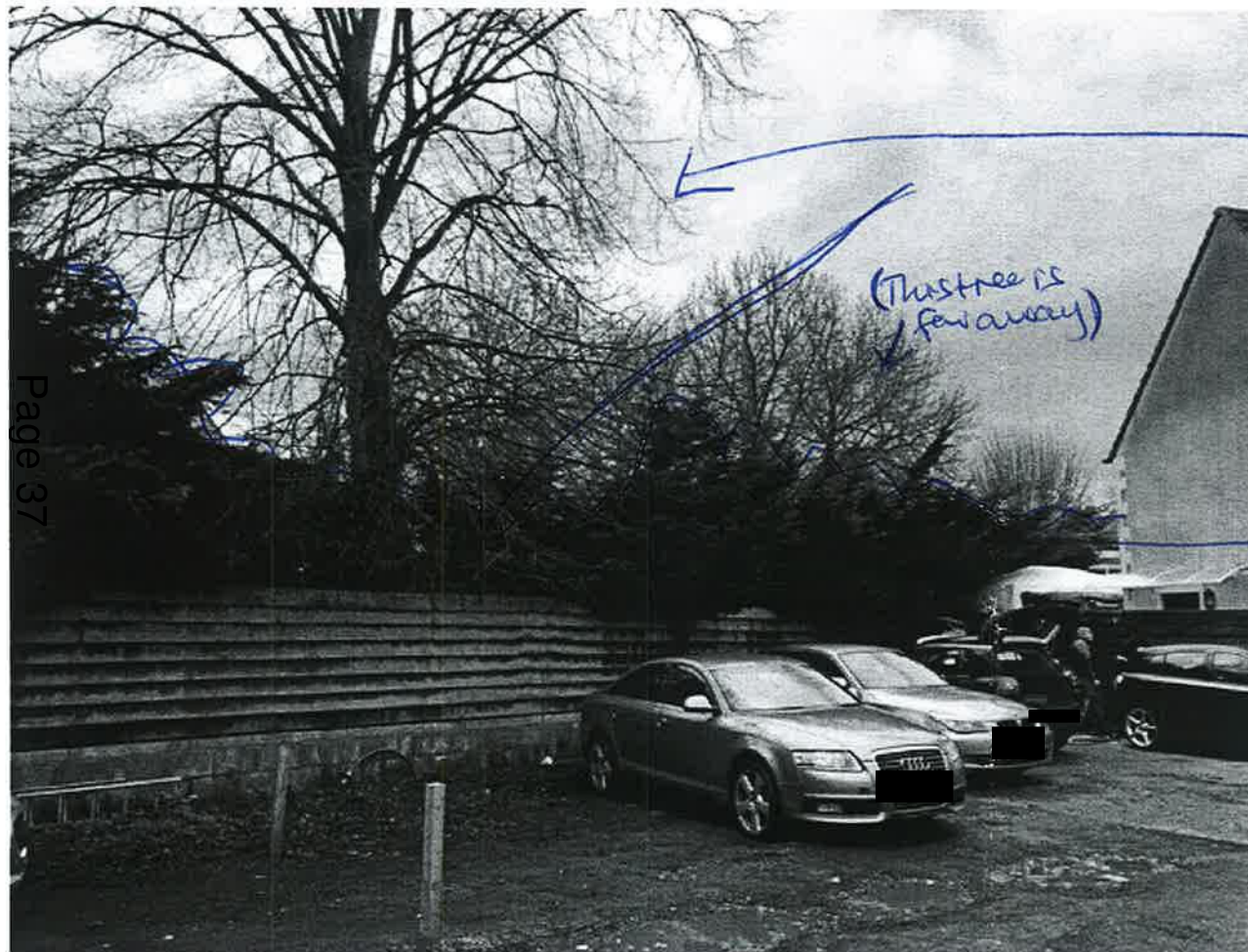
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Russell Walker (Aneurin Bevan UHB - Trauma and Orthopaedics)

From: Russell Walker <rwalker63@hotmail.com>
Sent: 13 December 2021 09:21
To: Russell Walker (Aneurin Bevan UHB - Trauma and Orthopaedics)



Lime tree - only
a few small branches
overhanging fence.

Leylandii hedge

Sent from my iPhone

Russell Walker (Aneurin Bevan UHB - Trauma and Orthopaedics)

From: Russell Walker <rwalkermedicolegal@gmail.com>
Sent: 13 December 2021 09:52
To: Russell Walker (Aneurin Bevan UHB - Trauma and Orthopaedics)



other end of carpark.
- for reduction in
height and remove
overhanging branches

Sent from my iPhone

Russell Walker (Aneurin Bevan UHB - Trauma and Orthopaedics)

From: Russell Walker <rwalkermedicolegal@gmail.com>
Sent: 13 December 2021 09:53
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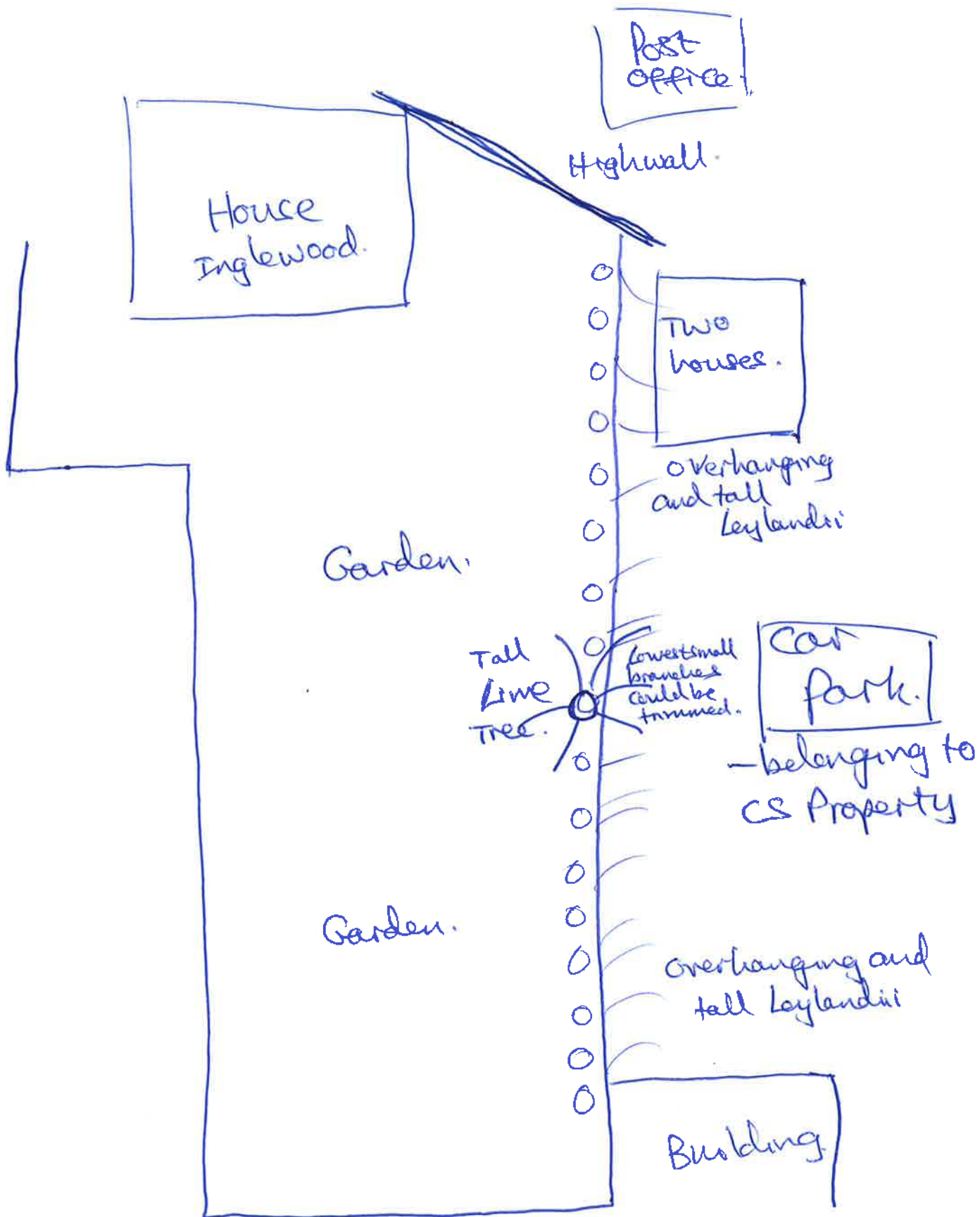
Sent from my iPhone

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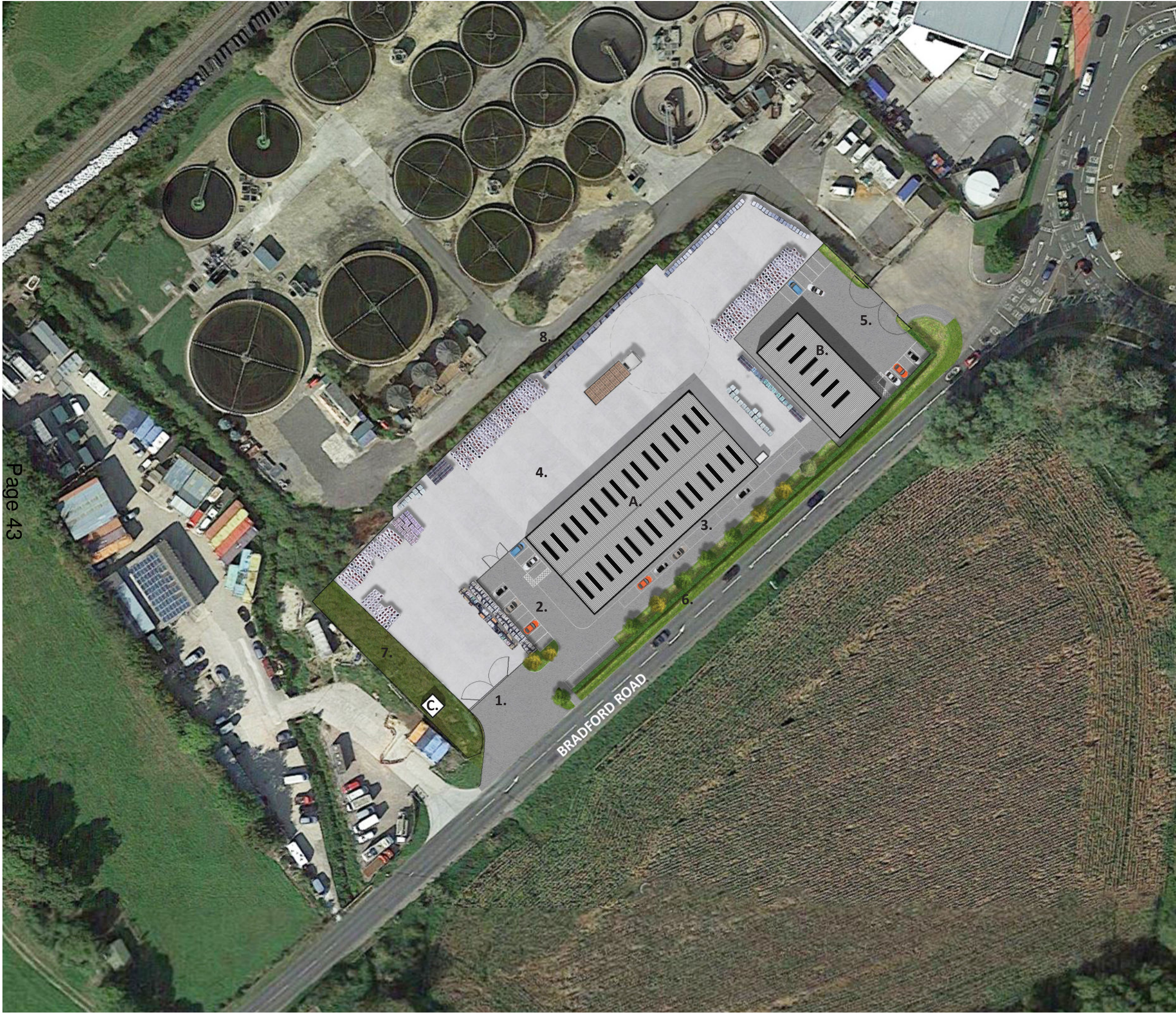
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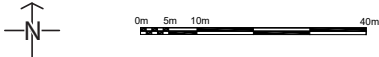
Sent from my iPhone



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- Key
- A. Builders Merchants
 - B. Formula One Garage
 - C. Existing sub-station (retained)
-
- 1. Main entrance to Builders Merchants
 - 2. Customer parking
 - 3. Staff parking
 - 4. Secure yard (with perimeter fence)
 - 5. Main entrance and parking to Formula One Garage (with perimeter fence)
 - 6. Proposed trees, hedgerow, ornamental planting and grass verge to Bradford Road
 - 7. Native shrub mix (existing shrubs cut back and retained, area restocked with native shrub planting)
 - 8. Existing vegetation to northern boundary retained



Rev	Note	Date
-	For information	29.11.2021
A	For Comment	03.12.2021
B	For Comment	06.12.2021

GREENHALGH
Landscape Architecture

Former Countrywide Store
Melksham

Illustrative Masterplan

208-800 A

Scale: 1:500 @A3

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Highways Improvement Request Form

Contact Details

Name:	Cllr Jon Hubbard	Date:	07 November 2021
Address:	2 Sweetbriar Road, Melksham SN12 6FR		
Telephone No:	01225 807969 / 07876 611388		
Email Address:	Jon@jonhubbard.org		

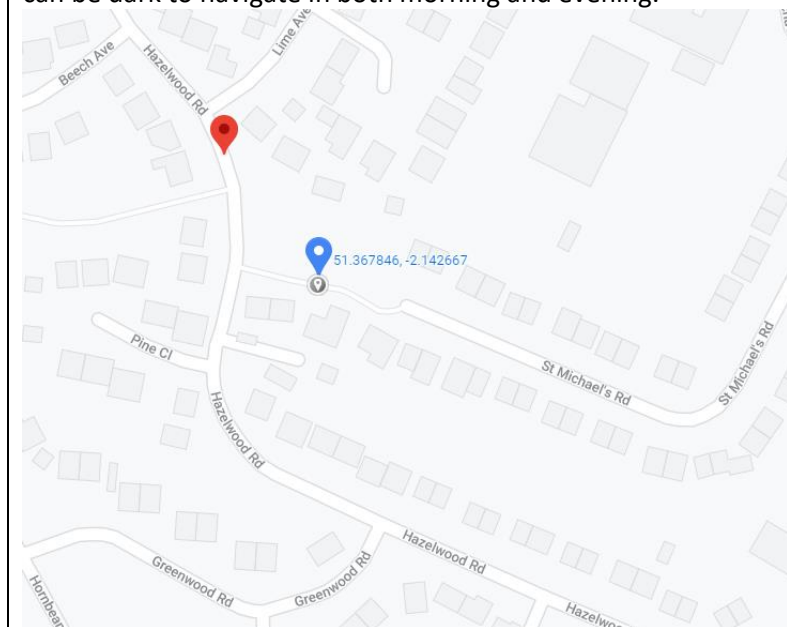
Issue Details

Location of Issue:	Pathway running between Hazelwood Road and At Michaels Road, including numbers 42, 44 and 46 Hazelwood Road
Community Area:	Melksham
Parish or Town Council:	Melksham Town Council

Nature of Issue: (Max 600 characters)

This pathway links St Michaels Road and Hazelwood Road. It also serves as the access route to three single storey dwellings, 42, 44 and 46 Hazelwood Road. These homes are typically used by older residents who may have constrained mobility.

The pathway is also an important part of the walk to school route for Aloreic Primary School and in winter time can be dark to navigate in both morning and evening.





The path is unlit, which can lead to challenges when using it to access the properties above in the darkness. The nearest street lamps, as shown in the attached photos,



View from Hazelwood Road showing the nearest street lamp. The light thrown from this lamp does not cover the pathway.



This is the nearest street lamp from the St Michaels Road side, as you can see it is actually some distance from the pathway and the light spread would not cover the pass.

These photos below show the route through the pathway



How long has it been an issue?

Since construction

What would you like done to resolve this issue? (Max 600 characters)

I would like to see some investigation into the installation of lighting along this stretch of pathway, either at high level or ideally low-level lighting.

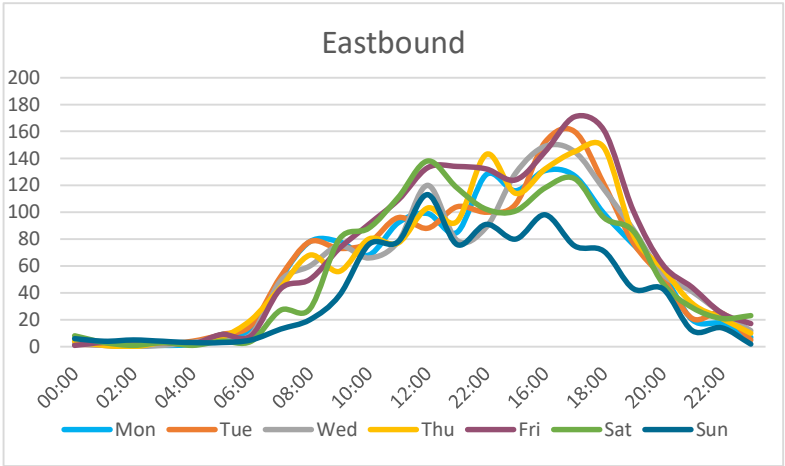
Have you been in touch with your local Wiltshire Councillor? (Yes/No)

Yes

***This form needs to be completed and e-mailed or sent to your local Town or Parish Council.
Town and Parish contact details are available via the link below:***

<https://cms.wiltshire.gov.uk/mgParishCouncilDetails.aspx>

Town or Parish Council Comments: (To be completed by Town or Parish Council only - Max 600 characters)

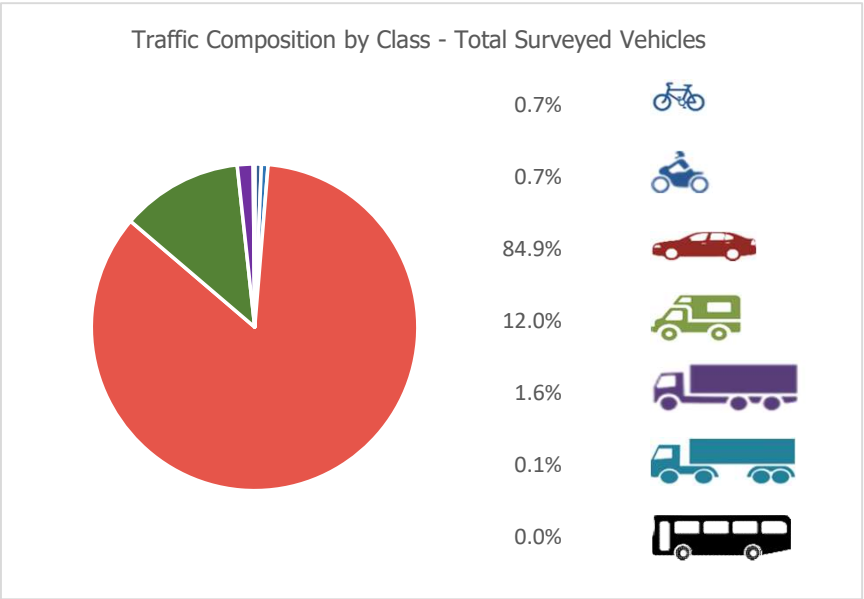


Direction	7-Day Average Speed	7-Day 85th %ile Speed
Eastbound	22.5	27.7

mph mph



On a 7-day average		
69.9%	37.8%	1.4%
of vehicles are travelling over posted speed limit (PSL)	of vehicles are traveling 10% +2 over PSL (35mph)	of vehicles are 15mph over PSL (45mph)



Direction	Weekday Average Total Traffic	7-Day Average Traffic	Weekly Traffic Total
Eastbound	1452	1371	9596



Incidents/Observations
No incidents or observations during the survey period

Data annotated with '*' denotes when a given time period has been affected by data loss. For a full breakdown of data loss please refer to Data Summary.

Tracsis will retain all personal data relating to this project, including all video images, for a period of 3 months after receipt of this report and all other data files for one year. If you would like a copy of the personal data or wish for us to retain for a longer period, please do not hesitate to contact us.

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Site Selection Criteria for a Traffic Survey

Traffic surveys use equipment placed on carriageways, comprising of two rubber tubes stretched across the carriageway and a data box, secured to street furniture, collecting data for 24 hours per day over a 7-day period on the speed and volumes of vehicles. The equipment may be on site for up to two weeks. Traffic surveys are only conducted during school term times.

The following points must be followed when selecting a survey site. If the criteria are not met, the data quality will be poor, and results may be inaccurate.

- For Community Speed Watch and community concern sites, traffic surveys will only be approved in 20mph, 30mph and 40mph limits. **Any locations above 40mph will need approval from a Highways officer.**
- **Sites must be at least 100 metres from a change of speed limit.**
- **Select sites where most traffic is travelling at a constant speed across the tubes.** Wherever possible, avoid sites where vehicles are accelerating or decelerating due to sharp bends, steep inclines, traffic signals, near junctions, near pedestrian crossings or on-street parked vehicles. Avoid sites where vehicles may need to stop over the tubes.
- Ensure that traffic will cross at right angles to the tubes as far as possible. Avoid sites where vehicles may turn across the tubes or where vehicles may change lanes.
- **Ensure there is a suitable securing point for the roadside unit,** such as street furniture, trees or posts. The data box is secured with a padlock and chain - any posts must be tall enough so that it cannot be lifted over the top. Use of posts on private property will require permission from the landowner.
- Consideration for the safety of the deployment officers is paramount. Any location deemed too high risk for deployment will not be completed – notification of this will come from the contractors via Wiltshire Council Road Safety Team.

Please include as much information for the location as possible, including house numbers, official road name and/or number and maps or map web-links. If possible, please give the www.what3words.com or Easting and Northing reference (<https://gridreferencefinder.com>) for the location as this helps us and our external contractors to identify specific locations, particularly in rural areas. Please avoid using local nicknames for locations.

If the site selected is not suitable for the equipment, the deployment staff will locate the equipment in a more suitable place as close to the requested site as possible. The Road Safety team will try to answer any questions regarding the above points but are unable to visit sites in person.

Locations are not eligible for repeat survey within a 12-month period, unless there are exceptional circumstances and approval from the Highways Officer.

The recorded 85th percentile speed is used to determine if the site enters the thresholds for intervention.

Speed Limit (MPH)	No further action	Community Speed Watch	Police Enforcement
20mph	20 mph to 24 mph	24.1 mph to 38.9 mph	Over 39 mph
30mph	30 mph to 35 mph	35.1 mph to 41.9 mph	Over 42 mph
40mph	40 mph to 46 mph	46.1 mph to 49.9 mph	Over 50 mph

The 85th percentile is the speed at or below which 85% of the traffic is travelling. This is the standard method of assessing traffic speed in the UK. Community Speedwatch teams cannot operate in areas with a speed limit over 40mph.

Our Ref: ACV/2021/00012

Enquiries to: Simon Day

Date: 01 December 2021

Economic Development & Planning

Tel: 01249 706634 or 0300 456 0114

email: simon.day@wiltshire.gov.uk

www.wiltshire.gov.uk

Decision to list Land north-west of Woodrow Road, Melksham, SN12 7AJ as an Asset of Community Value

Having considered all the information and submissions provided, following the nomination of the above asset to be listed as an Asset of Community Value, Wiltshire Council has decided to enter the property onto the list of Assets of Community Value (available online at <http://www.wiltshire.gov.uk/planninganddevelopment/planningcommunityrighttobid.htm>). The information will be entered onto the local land charges register and the property will remain on this list until **01 December 2026**.

This decision has been taken for the following reasons:

The area of land the subject of this nomination is adjacent to the Methuen Avenue play area, used as a playing field for local residents and includes a BMX track.

It is therefore considered that the current use of the building or other land (or use of the building or other land in the recent past), that is not an ancillary use, furthers the social wellbeing or social interests of the local community and it is realistic to think that now or in the next 5 years there could continue to be non-ancillary use of the building or other land which will further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

An entry has been made on the Land Register and the owner of the asset cannot dispose of it without:

- letting the local authority know that they intend to sell the asset or grant a lease of more than 25 years;
- waiting until the end of a six week 'interim moratorium' period if the local authority does **not** receive a request from a community interest group to be treated as a potential bidder;
- waiting until the end of a six month 'full moratorium' period if the local authority **does** receive a request from a community interest group to be treated as a potential bidder (in the first six weeks).

The owner of the property does not have to sell the asset to the community interest group. There is also a 'protected period' (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) – during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

Some types of disposal of assets, even though they are listed, are exempt from this process and in those circumstances the owner does not need to notify Wiltshire Council. It is up to the property owner to determine if the disposal is exempt, and to demonstrate this to the Land Registry on registering the new owner. A number of the exemptions are set out in the [Localism Act](#) and these include disposals which are gifts, or which arise as part of the settlement of a will, which are made within families, or relate to 'business to business' going concern sales. A number of other exemptions are defined in the [Assets of Community Value Regulations](#) – including sale due to insolvency, incapacity or divorce.

Landowners have the opportunity to request a review of the decision to enter an asset on the Assets of Community Value register, within 8 weeks of listing. Reviews are considered by an officer of sufficient seniority not involved in the original decision. Decisions to list can be overturned based on these factors:

- The eligibility of the asset;
- The eligibility of the nominator;
- New evidence;
- Improper factors being taken into account in the original decision.

Landowners wishing to request a review of the decision should contact: Jean Marshall, Chief Planning Officer via jean.marshall@wiltshire.gov.uk by **26 January 2022** with information on why they believe the asset should not be listed (based on the criteria set out above) and whether an oral hearing is requested. A review of the decision will take place within 8 weeks of any request being received from the landowner.

We hope that any change to this decision will not be necessary, however, and that the opportunity that the asset being listed provides for community groups to be treated as potential additional bidders, should a relevant disposal be entered into, will be welcome.

Should a relevant disposal occur during the next 5 years and the landowner incur loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed; the landowner will be entitled to claim compensation from Wiltshire Council. If the landowner believes this to be the case, claims for compensation must be made to Wiltshire Council in writing, detailing the compensation sought for each part of the claim and the related evidence, before the end of 13 weeks after the loss or expense was incurred (or finishes being incurred).

The [Community Right to Bid: Non-statutory advice note for local authorities](#) published by the Government provides further information on this last point.

Documents in relation to this nomination can be viewed on the Council website <https://development.wiltshire.gov.uk/pr/s/planning-application/a0i3z000016phzR>.

Signed

Simon Day

Performance & Service Development Manager
Economic Development & Planning